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State of California
City and County of Sacramento

In the District Court of the Sixth Judicial District

Hon John H Mc Kune Judge

Be it remembered that the following Proceedings were had in the District Court of the Sixth Judicial District in and for the City and County of Sacramento in the State of California in pursuance of the provisions of an Act of the Legislature entitled "An Act to provide for the construction of the State Capitol in the City of Sacramento" (Approved March 29th 1860)

Petition }

To the Hon John H Mc Kune District Judge for the Sixth Judicial District County of Sacramento State of California.

John G Downey acting Governor. Johnson Price Secretary of State. Thomas Findley State Treasurer. A C Monson and Alfred Redington by Thomas H Williams Attorney General respectfully petitioning represent

That they compose the Board of Commissioners created by the Act entitled "An Act to provide for the construction of the State Capitol in the City of Sacramento" (Approved March 29th 1860)

Your Petitioners further represent that they have caused a description and Abstract of the title to the ground or tract of land described in the first section of said Act to be made setting forth the names and residence of each owner or person interested therein in any manner whatever or who claims any interest therein present or future, so far as known to the Attorney General or as appears by Record and in the Recorders Office of Sacramento County, which said description and Abstract of title is herewith filed marked (A) and made part of this petition.

Wherefore the premises considered your Petitioners pray that your Honor will appoint Commissioners or cause to be appointed Commissioners to ascertain the compensation to be made to the person or persons lawfully entitled to the same for the land in said Act described and hereinbefore mentioned or any part thereof.

As in duty bound they will ever pray &c

Respectfully

Thos H Williams

Atty Genl

Order fixing time of hearing

State of California
County of Sacramento } Having read the foregoing Petition, I order that the hearing of the same be set for Saturday the 2nd day of June A D 1860 at the hour of 10½ o'clock A.M. That said hearing take place at the Court House in the City of Sacramento State of California. And the persons named in the Abstract of title filed with the Petition aforesaid together with all others interested in the land described in and mentioned in said Petition and Abstract are hereby required to appear before me at the time and place aforesaid to show cause if any they have why the prayer of said Petition should not be granted. Given under my hand at Chambers in the City of Sacramento on this the 25 day of April A D 1860

Jno. H. McKune

Dist Judge 6th Dist.

Names of Owners and claimants to the Block between L and M and 10th and 11th Sts

| Lot | Subdivision | Owner | Residence | |
|---|---|---|---|---|
| 1 | N ½ | Phile West | Sac County | |
| " | S ¼ | do | do | |
| " | N ½ S ½ | do ⅓ intst | do | |
| " | " | Oliver Green ⅓ | Illinois | |
| " | " | Est of Wm McKee ⅓ | | |



| | | | | | |
|---|---|---|---|---|---|
| 1 | S ½ | N ½ S ½ | Phile West ⅓ | Sac County | |
| " | | " | Oliver Green | Illinois | |
| 2 | | | Sac County | | (County Hospital Property) |
| 3 | | | " " | | " " " |
| 4 | N ½ | | M. G. Davenport | J. D Thompson agent | Sac City |
| " | N ½ | S ½ | Wm M Harron | Sac City | |
| " | S ¼ | | Joseph Kean | " | |
| " | | | Rich & Breen (Mortgagee) | " | |
| 5 | | | Jas S Allenmany | San Fran | |
| | | | m/c for St Stars of Bibbey | | |
| 6 | | | " " " | " | |
| 7 | | | " " " | " | |
| 8 | | | " " " | " | |
| " | | | Talbot H Green ⅓ | | |
| | | | Est of D M Howard ⅓ | | |

Lots 5 to 8 sold to Justus Harvey for St & County Taxes 1859
Residence Sac City.

Sacramento City April 21st 1860 11½
Dan'l S. C. Stephens
Searcher

Names of Owners & Claimants to the Block between L and M 11th and 12th Sts

| Lot | Subdivis | Owner | Residence | |
|---|---|---|---|---|
| 1 | W ½ | Dr G. L Simmons | Sac City | |
| " | | Volney E Howard | San Franco | Grantee Brannan Bruce title |
| " | E ½ | Isaac Pierce ⅓ | | |
| " | | J H Jackson ⅓ | Sac City | |
| " | | Maria L Fulton | Victoria | (Grantee of the Mexican title) |
| " | | Volney E Howard | San From | (Grantee of Brannan Bruce title) |
| 2 | N ½ | J. W Henderson | Sac City | |
| " | | C. K. Swift | " | (Grantee of Brannan Bruce title) |
| " | | A B Sabin Mortgagee | " | |
| " | S ½ | W H H Lee | " | |
| " | | C H Swift | " | (Grantee of Brannan Bruce title) |
| " | | | | |

| | | | | |
|---|---|---|---|---|
| 3 | | Mrs Mary A Torrey | | |
| 4 | | Leonard Keller & wife | | |
| " | | Mary A Torrey | (mortgagee) | |
| " | | Chas H Dexter | | |
| 5 | | Jeremiah Sherwood | | Dr J L Morse Agent (Sac city) |
| " | | Francis Hank | Sac City | |
| 6 | | Francis Hank | " | |
| 7 & 8 | | Est W D M Howard | SF | San Francisco |
| " | | " J O Larkin | SF | " |
| " | | Sam M Cullough | | " |
| | | in possession | | " |

Sacramento April 21st 1860 to 11½

Dan'l St. C. Stevens

Searcher

Names of Owners & Claimants to the Block between M & N and 10th and 11th Streets.

| Lot | Subdivis | Owner | Residence |
|---|---|---|---|
| 1 | | Jno S Manson | San Francisco |
| | | Amos Pratt (squatter) | Sac City |
| 2 | W½ E½ & W½ | Henry Klays | " |
| | | Mrs A Buckhout (Mortgagee) | " |
| | E¼ | H P Simmons & wife | " |
| | | C Stenning (Mortgagee) | " |
| 3 | E 33⅓ feet | David Strickland | " |
| | | J P Littlefield (Mortgagee) | " |
| | W 46⅔ " | H P Simmons & wife | " |
| | | C Stenning (mortgagees) | " |
| | | Marcus Gray | " |
| 4 | | John S Manson | San Fran |
| 5 | | L L Lynch | Sac City |
| 6 | | " " " | " |
| 7 | | Rachel Hyman | " |
| | | G W Case in possession | |
| | | by no 60 for W½ | |
| 8 | S 100 ft | John Wood | New York |
| | N 60 " | G W Case | Sac City |
| | | Mary L Irwin | (Mortgagee) |



E B Kenyon agent

Sacramento April 21st 1860 to 11½

Dan'l St C Stevens

Searcher

Names of Owners & Claimants to the Block between M & N and 11th and 12th Streets.

| Lot | Subdivis | Owner | Residence |
|---|---|---|---|
| 1 | N½ | A Koppikus | Sac City |
| | N½ S½ | do | " |
| | N½ S¼ | Jas F Young | |
| | | A Koppikus in poss'n | " |
| | S 20 feet | A Koppikus | Sac City |
| | | John Hatch Snr | " |
| | | Mortgagee on adj Lot 4 | |
| 2 | | Jerome Madden | " |
| 3 | | Jerome Madden | " |
| 4 | N½ W½ | Byron Lillie | |
| | W½ E½ N½ | J W Dexter | |
| | N½ E¼ | Jno W Bell | San Franco |
| | N¼ S½ | J. H. Gass | Sac City |
| | | S B Leavitt | |
| | S½ N½ S½ | Simon Shindler | |
| | N½ S¼ | Lucy Backus | |
| | S 20 ft | Simon Shindler | |
| | | Jerome Madden | |

Claiment by fair title possession of Lot 4.

(For South ½ of block see next page)

Owners & Claimants to S½ Block M & N 11 & 12

| Lot | Subdivis | Owner | Residence |
|---|---|---|---|
| 5 | N¼ | Geo H Fogg | Sac City |
| " | | A R Jackson | " |

| | | | |
|---|---|---|---|
| 5 | S/2 of S/2 | J H McKee | San Franco |
| | | Est Hardin Bigelow | |
| | | A R Jackson | Sac City |
| | E/2 S/2 | J H McKee | San Franco |
| | | Est of H Bigelow | |
| | | Richd Stribling | Sac City |
| | W/2 S/2 | Chas D Woods | |
| | | George Rowland | Sac City |
| | | Jerome Madden | by Sac title all Lot 5 |
| 6 | | J H McKee | San Franco |
| | | Est H Bigelow | |
| | | R Stribling | Sac City |
| | | Jerome Madden | " |
| 7 | | A D Thayer | Folsom or Mormon Island |
| | | Jerome Madden | Sac City |
| 8 | | Sac City in trust | " |
| | | for the Common Schools | " |

Sacramento April 21st 1860 @ 11½ A M
Daniel St C Stevens
Searcher of Records

Of the Streets and alleys within the following described limits. Commencing at the North west Corner of Lot No 1 in the Block bounded by Tenth and Eleventh L and M Streets in said City of Sacramento thence East along the South line of L Street to the intersection of L and Twelfth Streets; thence South along the West line of Twelfth Street to the intersection of Twelfth and N Streets; thence West along the North line of N Street to the intersection of N and Tenth Street; thence North along the East line of Tenth Street to the place of beginning

| Owners | Residence |
|---|---|
| John A Sutter junior & | Acapulco Mexico |
| The City of Sacramento represented by the Board of Supervisors of the City and County of Sacramento | |

Sacramento 21st April 1860
Danl St C Stevens
Searcher of Records



(Endorsed) Filed April 26th 1860
Jerome Madden Clerk
By John S. Barrett D.C.

Affidavit of Publication of Notice to Property Holders in "Daily Democratic Standard"

State of California
City and County of Sacramento ss

B H Monson in the Office of the Daily Democratic Standard a Daily Newspaper published in said City and County of Sacramento being duly sworn deposes and says, that the notice of which the annexed printed notice is a copy has been published in said paper at least thirty days commencing on the Twenty Sixth day of April 1860 and ending on the Second day of June 1860

Subscribed and Sworn before me this second day of June 1860
A R Grim
Notary Public
Sac Co Cal

B. H. Monson.

## Notice to Property Owners

To the Hon John H McKune District Judge for the Sixth Judicial District County of Sacramento State of California. — John G Downey Acting Governor; Johnson Price Secretary of State; Thomas Findley State Treasurer; A C Monson and Alfred Redington by Thomas H Williams Attorney General respectfully petitioning represent.

That they compose the Board of Commissioners created by the Act entitled "An Act to provide for the construction of the State Capitol in the City of Sacramento" approved March 29th 1860

Your Petitioners further represent that they have caused a description and Abstract of the title to the ground

or tract of land described in the first section of said Act to be made setting forth the names and residence of each owner or person interested therein in any manner whatever or who claims any interest therein present or future so far as known to the Attorney General; or as appears by record and in the Recorders Office of Sacramento County; which said description and Abstract of title is herewith filed marked "A" and made part of this petition

Wherefore the premises considered your petitioners pray that your Honor will appoint Commissioners or Cause to be appointed Commissioners to ascertain the compensation to be made to the person or persons lawfully entitled to the same for the land in said Act described and hereon before mentioned or any part thereof.

As in duty bound they will ever pray &c

Respectfully — Thos H Williams
Attorney General

State of California County of Sacramento Having read the foregoing petition I order that the hearing of the same be set for Saturday the second day of June A D 1860 at the hour of 10½ o clock A. M.; that said hearing take place at the Court House in the City of Sacramento State of California And the persons named in the Abstract of title filed with the petition aforesaid, together with all others interested in the land described in and mentioned in said petition and abstract, are hereby required to appear before me at the time and place aforesaid to Show Cause, if any they have, why the prayer of said petition should not be granted Given under my hand at Chambers in the City of Sacramento on this the 25th day of April A D 1860

Jno H McKune
District Judge 6th District

Names of Owners and Claimants to the Block between L and M and Tenth and Eleventh Streets

Lot 1: N½: owner, Philo West: residence Sacramento County
Lot 1: S¼ Owner Philo West: residence Sacramento County
Lot 1: N½ S½ Owner, Philo West ½ int: residence Sacramento County
Lot 1 N½ S½ Owner Oliver Green ½ int: residence Illinois



Lot 1 N½ S½ owner Estate of Jno McKee ½ int.
Lot 1 S½ N½ S½ owner Philo West ½ int residence Sacramento County
Lot 1 S½ N½ S½ Owner Oliver Green residence Illinois
Lot 2: owner Sacramento County: County Hospital property
Lot 3 owner Sacramento County County Hospital property
Lot 4 N½ Owner M. G. Davenport. J. D. Thompson Agent: residence Sacramento City
Lot 4 N½ S½ owner Wm M Hannon residence Sacramento City
Lot 4 S¼ owner Joseph Kean residence Sacramento City; Richd Breen Mortgagee Sacramento City
Lot 5 owner Jos. J Allemany residence San Francisco: int for Sisters of Mercy
Lot 6: owner Jos J Allemany residence San Francisco int for Sisters of Mercy
Lot 7: owner Jos. J Allemany; residence San Francisco: int for Sisters of Mercy.
Lot 8; owner Jos J Allemany: residence San Francisco; int for Sisters of Mercy
Lot 8: owner Talbot H Green 1/16
Lot 8; State of W D M Howard 2/16
Lots 5 & 8: sold to Justus Honey for State and County Taxes 1859; residence Sacramento City

Sacramento City April 21st 1860 11½
Danl St C Stevens
Searcher

Names of Owners and Claimants to the Block between L and M Eleventh and Twelfth Streets

Lot 1: W½ owner Dr G. L. Simmons: residence Sacramento City Volney E Howard San Francisco grantee Brannan Bruce title
Lot 1 E½: Owners Isaac Pierce ⅓ J H Jackson ⅔: residence Sacramento City; Maria L Fallon Victoria grantee of the Mesick title; Volney E Howard San Francisco grantee of Brannan Bruce title
Lot 2 N½ owner I W Underwood; residence Sacramento City

C H Swift Sacramento City grantee of Brannan Bruce title: A B Sabin Mortgagee Sacramento City

Lot 2 S/2 owner W H H Lee residence Sacramento City; C H Swift Sacramento City grantee of Brannan Bruce title

Lot 3: owner Mrs Mary A Torry residence Sacramento City

Lot 4: owner Leonard Keller and wife residence Sacramento City Mary A Torry and Chas H Dexter Mortgagees

Lot 5 owner Jeremiah Sherwood residence Sacramento City: Dr J F Morse agent Sacramento City. Francis Hank Sacramento City.

Lot 6: owner Francis Hank residence Sacramento City

Lots 7 and 8: Estate of W. D. M Howard 7/8 and estate of T O Larkin 1/8 San Francesco; Sam Mc Cullough San Francisco in possession,

Sacramento April 21st 1860 11/2

Daniel St. C. Stevens

Searcher

Names of Owners and Claimants to the Block between M and N and South and Eleventh Streets.

Lot 1: owner Jno. S. Manson: residence San Francisco Amos Pratt Squatter Sacramento City.

Lot 2. W/2 S/2 and W/2: owner Hanny Klays: residence Sacramento City: Mrs Buckhart Mortgagee Sacramento City

Lot 2: E/4: A. P Simmons wife residence Sacramento City; C Stemming Mortgagee Sacramento City.

Lot 3 E 33 1/3 feet. owner David Strickland residence Sacramento City: T. P Littlefield mortgagee Sacramento City

Lot 3 W 46 2/3 feet: owners A. P. Simmons and wife residence Sacramento City: C Stremming and Marcus Graf mortgagees Sacramento City

Lot 4: owner John S Manson residence San Francisco

Lot 5: owner L. L. Lynch: residence Sacramento City

Lot 6: owner L. L. Lynch: residence Sacramento City

Lot 7: owner Rachel Hymen: residence Sacramento City; G. W. Case in possession of A 60 feet W 1/2



Lot 8 S 100 feet: owner John Wood: residence New York: E B Kenyon agent

Lot 8 N 60 feet: owner G. W. Case: residence Sacramento City: Mary L Irwin Mortgagee.

Sacramento April 21st 1860 11/2

Dan'l St C Stevens

Searcher.

Names of Owners and Claimants of the Block between M and N and Eleventh and Twelfth Streets.

Lot 1 N/2: owner A Koppikus: residence Sacramento City

Lot 1 N/2. S/2: Owner A Koppikus residence Sacramento City

Lot 1 N/2 S/4: Owner James F Young, A Koppikus in possession: residence Sacramento City

Lot 1 S 20 feet. Owner A Koppikus: residence Sacramento City (John Hatch senior residence Sacramento City: Mortgagee on all Lot 1)

Lot 2: owner Jerome Madden: residence Sacramento City

Lot 3: Owner Jerome Madden: residence Sacramento City

Lot 4 N/2 W/2 owner Byron Lillie

Lot 4 W/2 E/2 N/2 owner J. W. Dexter

Lot 4 N/2 E/4 owner John W Bell residence San Francisco

Lot 4 N/4 S/2 owner J. H. Gass residence Sacramento City: S B Leavitt Sacramento City

Lot 4 S/2 N/2 S/2: owner Simon Shindler: residence Sacramento City

Lot 4 N/2 S/4: owner Lucy Backus: residence Sacramento City

Lot 4 S 20 feet: owner Simon Shindler: residence Sacramento City: Jerome Madden Sacramento City claimant by Tax title and possession of Lot 4

(For S/2 of Block see Block below)

Names of Owners and Claimants to south half of Block between M and N Eleventh and Twelfth Streets.

Lot 5 N/4: owner Geo H Fogg residence Sacramento City: A R Jackson Sacramento City

Lot 5 S½ N½ owners J H McKee San Francisco: Estate of Hardin Bigelow: A R Jackson Sacramento City
Lot 5 E½ S½ Owners J. H. McKee San Francisco: Estate of H Bigelow Richard Stribling Sacramento City.
Lot 5 W½ S½ Owners Chas D Woods: George Fowland Sacramento City: Jerome Madden by tax title all lot 5
Lot 6 owners J H McKee San Francisco: Estate of H Bigelow: R Stribling Sacramento City: Jerome Madden Sacramento City.
Lot 7 owners H. D. Thayer Folsom or Mormon Island: Jerome Madden Sacramento City
Lot 8 Sacramento City in trust for the Common Schools.

Daniel St C Stevens
Searcher of Records

Sacramento April 21st 1860 at 11½ A. M.

Names of the Owners and Claimants of the Streets and alleys within the following described limits.
Commencing at the Northwest corner of Lot No 1 in the Block bounded by Tenth and Eleventh L and M streets in said City of Sacramento: thence East along the south line of L Street to the intersection of L and Twelfth Streets: thence South along the West line of Twelfth Street to the intersection of Twelfth and K Streets; thence west along the north line of K Street to the intersection of K and Tenth streets: thence North along the East line of Tenth Street to the place of beginning.
Owners - John A Sutter junior; residence Acapulco Mexico: The City of Sacramento represented by the Board of Supervisors of the City and County of Sacramento.

Sacramento 21st April 1860

Daniel St C Stevens
Searcher of Records

(Endorsed). Filed June 2nd A.D. 1860
Jerome Madden Clk
By Thos. K. Mumk Deputy Clk.



Affidavit of Publication of Notice to Property Holders in "Daily Bee"

State of California
City and County of Sacramento } ss

L. P. Davis in the office of the Daily Bee a Daily Newspaper published in said City and County of Sacramento being duly sworn deposes and says, that the notice of which the annexed printed notice is a copy has been published in said paper at least thirty days, commencing on the Twenty eighth day of April 1860 and ending on the second day of June 1860

Sworn to & Subscribed before me this second day of June A D 1860
A. K. Grim
Notary Public Sac Co

L. P. Davis

Notice to Property Owners

To the Honorable John H McKune, District Judge for the Sixth Judicial District County of Sacramento State of California. John G Downey acting Governor: Johnson Price Secretary of State: Thomas Findley State Treasurer: A C Monson and Alfred Redington by Thomas H Williams Attorney General respectfully petitioning represent:

That they compose the Board of Commissioners created by the Act entitled "An Act to provide for the Construction of a State Capitol in the City of Sacramento" approved March 29th 1860

Your petitioners further represent that they have caused a description, and abstract of title to the ground or tract of land described in the first section of said Act to be made, setting forth the names and residence of each owner or [illegible] person interested therein in any manner whatever, or who

claims any interest therein, present or future, so far as known to the Attorney General: or as appears by record and in the Recorders office of Sacramento County: which said description and abstract of title is herewith filed marked "A" and made part of this petition

Wherefore the premises considered your petitioner prays that your Honor will appoint Commissioners or Commissioners to be appointed Commissioners to ascertain the compensation to be made to the person or persons lawfully entitled to the same for the land in said Act described and hereinbefore mentioned or any part thereof

As in duty bound they will ever pray etc

Respectfully

Thomas H Williams

Attorney General

State of California
County of Sacramento

Having read the foregoing petition I order that the hearing of the same be set for Saturday the second day of June A D 1860 at the hour of 10½ o'clock A M: that said hearing take place at the Court House in the City of Sacramento State of California. And the persons named in the Abstract of title filed with the petition aforesaid together with all others interested in the land described in and mentioned in said petition and Abstract are hereby required to appear before me at the time and place aforesaid to show cause if any they have why the prayer of said petition should not be granted.

Given under my hand at Chambers in the City of Sacramento on this the twenty-fifth day of April A D 1860

Jno H McKune

District Judge Sixth District



Names of Owners and Claimants to the Block between L and M and Tenth and Eleventh Streets:

Lot 1 N½: owner Philo West: residence Sacramento County
Lot 1 S¼: owner Philo West: residence Sacramento County
Lot 1 N½ S½: owner Philo West ⅓ int residence Sacramento County
Lot 1 S½ S½ Owner Oliver Green ⅓ int residence Illinois
Lot 1 N½ S½ Owner estate of Jno McKee ⅓ int
Lot 1 S½ N½ S½ owner Philo West ⅓ int: residence Sacramento County.
Lot 1 S½ N½ S½ owner Oliver Green residence Illinois
Lot 2: owner Sacramento County: County Hospital property
Lot 3: owner Sacramento County: County Hospital property
Lot 4: N½ owner M. G. Davenport: J D Thompson agent: residence Sacramento City
Lot 4 N½ S½ owner Wm M Harron: residence Sacramento City
Lot 4 S¼: owner Joseph Keane: residence Sacramento City: Richard Breen Mortgagee Sacramento City
Lot 5 owner Joseph S Allemany: residence San Francisco: int for Sisters of Mercy
Lot 6: owner Joseph S Allemany: residence San Francisco: int for Sisters of Mercy
Lot 7: owner Joseph S Allemany: residence San Francisco: int for Sisters of Mercy
Lot 8: owner Joseph S Allemany residence San Francisco: int for Sisters of Mercy
Lot 8: owner Talbot H Green 4/6
Lot 8: estate of W D M Howard 2/6
Lots 5 to 8: sold to Justus Hoey for State and County Taxes 1859 residence Sacramento City

Sacramento City April 21st 1860 11½

Danl St C Stevens

Secretary

Names of Owners and Claimants to the Block between L and M Eleventh and Twelfth Streets.

Lot 1 W½ owner Dr. G. L. Simmons: residence Sacramento

City. Volney E Howard San Francisco grantee Braman Bruce title.

Lot 1 E/2 Owners Isaac Pierce 1/3 I H Jackson 2/3 residence Sacramento City. Maria L Fallon Victoria grantee of the Mesick title Volney E Howard San Francisco grantee of Braman Bruce title

Lot 2 N/2 owner J. W. Underwood: residence Sacramento City C H Swift Sacramento City grantee of Braman Bruce title A B Sabin Mortgagee Sacramento City.

Lot 2. S/2 owner W H H Lee: residence Sacramento City C H Swift Sacramento City grantee of Braman Bruce title

Lot 3: owner Mrs Mary A Torrey: residence Sacramento City

Lot 4: owner Leonard Keller and wife: residence Sacramento City: Mary A Torrey and Charles H Dexter Mortgagees

Lot 5: owner Jeremiah Sherwood: residence Sacramento City: Dr J. F. Morse agent Sacramento City: Frances Hank Sacramento City

Lot 6: owner Frances Hank: residence Sacramento City

Lots 7 & 8: estate of W D M Howard 7/8: and estate of J. O. Larkin 1/8 San Francisco Sam McCullough San Francisco in possession.

Sacramento April 21st 1860 11/2
Daniel St. C. Stevens
Searcher.

Names of Owners and Claimants to the Block between M and N Tenth and Eleventh Streets.

Lot 1 owner John S Manson: residence San Francisco Amos Pratt Squatter Sacramento city

Lot 2 W/2 E/2 and W/2 Owner Henry Klays: residence Sacramento City: Mrs Buckhart Mortgagee Sacramento City.

Lot 2 E/4 A P Simmons and wife: residence Sacramento City: C Stremming mortgagee Sacramento City

Lot 3 E 33 1/3 feet: owner David Strickland: residence Sacramento City: J P Littlefield Mortgagee Sacramento City



Lot 3 W 46 2/3 feet Owners A. P. Simmons and wife: residence Sacramento City: C Stremming and Marcus Graf Mortgagees Sacramento City

Lot 4: owner John S Manson: residence San Francisco

Lot 5: owner L. L. Lynch: residence Sacramento City

Lot 6: Owner L. L. Lynch: residence Sacramento City

Lot 7: Owner Rachel Hymen: residence Sacramento City G W Case in possession of A 60 feet W/2.

Lot 8 S 100 feet: owner John Ward: residence New York E. B. Kenyon agent.

Lot 8 N 60 feet: Owner G W Case: residence Sacramento City: Mary L Irwin mortgagee.

Sacramento April 21st 1860 11/2
Daniel St. C Stevens
Searcher.

Names of Owners and Claimants of the Block between M and N and Eleventh and Twelfth Streets.

Lot 1 N/2 Owner A Koppikus residence Sacramento City.

Lot 1 N/2 S/2: owner A Koppikus: residence Sacramento City

Lot 1 N/2 S/4: owner James F Young. A Koppikus in possession: residence Sacramento City.

Lot 1 S 20 feet: owner A Koppikus: residence Sacramento City (John Hatch senior residence Sacramento City Mortgagee on all Lot 1)

Lot 2: owner Jerome Madden residence Sacramento City

Lot 3: Owner Jerome Madden: residence Sacramento City

Lot 4 N/2 W/2 Owner Byron Lillie

Lot 4 W/2 E/2 S/2: owner J. W. Dexter

Lot 4 N/2 E/4: owner John W Bell: residence San Francisco

Lot 4 N/2 S/2: owner J. H. Bass: residence Sacramento City: S. B. Leavitt Sacramento City.

Lot 4 S/2 N/2 S/2: owner Simon Standler: residence Sacra-

mento City
Lot 4 N½ S¼: Owner Lucy Backus: residence Sacramento City
Lot 4 S easet: Owner Simon Shindler: residence Sacramento City: Jerome Madden Sacramento City, claimant by tax title and possession of Lot 4
(For S½ of Block see Block below)

Names of Owners and Claimants to South half of Block between M and N and Eleventh and Twelfth Streets.
Lot 5 N¼: Owner George H Fogg: residence Sacramento City: A. R. Jackson Sacramento City
Lot 5: S½ N½: Owners J H McKee San Francisco: estate of Hardin Bigelow: A R Jackson Sacramento City
Lot 5: E½ S½: Owners J. H. McKee San Francisco: estate of H Bigelow Richard Stribling Sacramento City
Lot 5 W½ S½: Owners Charles D Woods: George Rowland Sacramento City: Jerome Madden by tax title all Lot 5
Lot 6 owners J. H. McKee San Francisco: estate of H Bigelow: R Stribling Sacramento City: Jerom Madden Sacramento City
Lot 7: owners A. D Thayer Folsom or Mormon Island: Jerome Madden Sacramento City
Lot 8 Sacramento City in trust for the Common Schools

Daniel St. C Stevens
Searcher of Records

Sacramento April 21st 1860 at 11½ A. M.

Names of the Owners and Claimants of the Streets and Alleys within the following described limits
Commencing at the Northwest Corner of Lot No 1 in the Block bounded by Tenth and Eleventh L and M Streets in said City of Sacramento: thence East along the South line of L Street to the intersection of L and Twelfth streets: thence South along the west line of Twelfth Street to the intersection of Twelfth and N. Sts: thence west along the North line of N Street to the intersection of N and Tenth



Streets: thence north along the east line of Tenth Street to the place of beginning
Owners John A Sutter junior residence Acapulco Mexico the City of Sacramento represented by the Board of Supervisors of the City & County of Sacramento

Daniel St. C Stevens
Searcher of Records

Sacramento 21st April 1860
(Endorsed) Filed June 2d A D 1860
Jerome Madden
By Thos. K. Munk Deputy Clk.

Order of Court appointing Commissioners

District Court April Term June 2nd A D 1860

In the matter of the proceeding by, and on behalf of the Board of Commissioners, created by an Act entitled An Act to provide for the Construction of the State Capitol in the City of Sacramento for the condemnation of the land described in said Act and to vest the title thereof in the State of Calª

Be it remembered that on this the second day of June in the yeare One thousand eight hundred and sixty at the hour of ten and a half o clock A.M. precisely the Hon John H McKune District Judge in and for the Sixth Judicial District County of Sacramento State aforesaid being present and presiding Thomas H Williams Attorney General of the State aforesaid ap-

peared in open Court at the District Court room in the City of Sacramento, and the said Board of Commissioners being present on the one part and the following persons (by their attorneys in fact Humphrey Griffith and Cullen A Johnson) claiming to be interested in said property to wit: I H Jackson, Dr G L Simmons J W Underwood Jerome Madden A Koppikus L L Lynch. Richard Stribling Andrew R Jackson I McCullough, A Hyman agt for Rachael Hyman H Hays D Strickland Mrs Frances Hanks N P Simmons L Keller I D Thompson agent for M G Dannport G W Case, and Archbishop Alemany & the Sisters of Mercy on the other part. The said Attorney General moved the selection or appointment of the Commissioners to ascertain the Compensation to be made to the persons lawfully entitled to the same for the land aforesaid authorized by said Act: And it appearing that the said Attorney General had caused the following notice to be published by inserting the same Thirty times and for thirty days next preceding this date in the Newspapers published in the City of Sacramento aforesaid called the "Daily Democratic Standard" and also in the newspaper published in said City called "The Daily Bee" to wit

Notice to property Owners

To the Hon[t] John H Mc Kune District Judge for the Sixth Judicial District County of Sacramento State of California:

John G Downey acting Governor: Johnson Price Secretary of State Thomas Findley State Treasurer A. C. Monson and Alfred Pedington by Thomas H Williams attorney General respectfully petitioning represent:

That they Compose the Board of Commissioners Created by the Act entitled An Act to provide for the Construction of a State Capitol in the City of Sacramento approved March 29th 1860.



Your petitioners further represent that they have caused a description and Abstract of the title to the ground or tract of land described in the first section of said Act to be made, Setting forth the names and residence of each owner or person interested therein in any manner whatever or who claims any interest therein present or future so far as Known to the Attorney General: or as appears by record and in the Recorders Office of Sacramento County: which said description and abstract of title is herewith filed Marked A and made part of this petition

Wherefore the premises considered, your petitioners pray that your Honor will appoint Commissioners or cause to be appointed Commissioners to ascertain the Compensation to be made to the person or persons lawfully entitled to the same for the land in said Act described and hereinbefore mentioned, or any part thereof.

As in duty bound they will ever pray etc

Respectfully
Thomas H Williams
Attorney General.

State of California
County of Sacramento } ss

Having read the foregoing petition I order that the hearing of the same be set for Saturday the second day of June A D. 1860 at the hour of 10½ o clock A. M: that said hearing take place at the Court House in the City of Sacramento: State of California. And the persons named in the Abstract of title filed with the petition aforesaid, together with all others interested in the land described in and mentioned in said petition and Abstract are hereby required to appear before me at the time and place aforesaid, to show Cause if any they have why the prayer of said petition should not be granted

Given under my hand at Chambers in the City of Sacramento on this twenty fifth day of

April A D 1860

Jno H McKune
District Judge Sixth District

Names of Owners and Claimants to the Block between L and M and Tenth and Eleventh Streets:

Lot 1 N/2 owner Philo West: residence Sacramento County
Lot 1 S/4 " " " " " "
Lot 1 N/2 S/2 " " " Joint " " "
Lot 1 N/2 S/2 " Oliver Green Joint " Illinois
Lot 1 N/2 S/2 " Estate of John McKee 1/3 int.
Lot 1 S/2 N/2 S/2 owner Philo West 2/3 int residence Sacramento County
Lot 1 S/2 N/2 S/2 " Oliver Green " Illinois
Lot 2 " Sacramento County County Hospital property
Lot 3 " " " " " "
Lot 4: N/2 " M G Davenport J D Thompson agent residence Sacramento City
Lot 4 N/2 S/2: Owner Wm M Harron residence Sacramento County
Lot 4 S/4 " Joseph Kean residence Sacramento City Richard Breen Mortgagee Sacramento City.
Lot 5 Owner Joseph S Allemany residence San Francisco Int Sisters of Mercy
Lot 6 " " " " " " "
Lot 7 " " " " " " "
Lot 8 " " " " " " "
Lot 8 " Talbot H Green 1/6
Lot 8 " Estate of W D M Howard 3/6
Lots 5 to 8 sold to Justus Hovey for State & County taxes 1859 residence Sacramento City

Sacramento City April 21st 1860 11/2

Dan'l St. C. Stevens
Searcher.



Names of Owners and Claimants to the Block between L and M Eleventh and Twelfth Streets.

Lot 1 W/2 owner Dr G L Simmons residence Sacramento City: Volney E Howard San Francisco grantee Brannan Bruce title
Lot 1 E/2 Owners Isaac Pierce 1/3 J H Jackson 2/3; residence Sacramento City; Maria L Fulton Victoria grantee of the Mesick title; Volney E Howard San Francisco grantee of Brannan Bruce title.
Lot 2 N/2: owner J. W. Henderwood residence Sacramento City, C.H. Swift Sacramento City grantee of Brannan Bruce A.B. Sabin mortgagee Sacramento City.
Lot 2 S/2 owner W. H. H Lee: residence Sacramento City; C.H. Swift Sacramento City: grantee of Brannan Bruce title.
Lot 3: owners Mrs Mary A Torrey: residence Sacramento City.
Lot 4: owner Leonard Keller & wife residence Sacramento City: Mary A Torrey and Chas H Dexter Mortgagees
Lot 5. owner Jeremiah Sherwood residence Sacramento City, Dr J. F. Morse agent Sacramento City; Francis Hank Sacramento City.
Lot 6 owner Frances Hank residence Sacramento City
Lots 7 and 8 Estate of M.D. Howard 7/8 and estate of J O Larkin 7/8 San Francisco; Jas McCullough San Francisco in possession

Sacramento April 21st 1860 11/2

Daniel St. C. Stevens
Searcher

Names of Owners and Claiments to the Block between M and N and Tenth and Eleventh Streets

Lot 1 owner Jno. I Manson residence San Francisco; Amos Pratt Squatter Sacramento City
Lot 2 W/2 E/2 and W/2: owner Henry Klays: residence Sacra-

mento City Mrs Buckhout mortgagee Sacramento City
Lot 2 E 1/4 N. P. Simmons wife, residence Sacramento City;
C Stemming mortgagee Sacramento City
Lot 3 E 33 1/3 feet: owner David Strickland residence Sacramento City J. P. Littlefield Mortgagee Sacramento City
Lot 3 W 46 2/3 feet. Owners N. P. Simmons and wife residence Sacramento City; C Stamming and Marcus Graf mortgagees Sacramento City
Lot 4 owner John S Manson residence San Francisco
Lot 5 " L. L. Lynch " Sacramento City
Lot 6 " L L Lynch " " "
Lot 7 " Rachel Hyman " " "
G W Case in possession of W 60 feet W 1/2.
Lot 8 S 100 feet: owner John Wood: residence New York E B Kenyon Agent
Lot 8 N 60 feet Owner G W Case residence Sacramento City Mary L Irwin Mortgagee

Sacramento April 21st 1860 11 1/2
Daniel St. C Stevens
Searcher

Names of Owners and Claimants of the Block between M and N and Eleventh and Twelfth Streets.
Lot 1 N 1/2 Owner A Koppikus: residence Sacramento City
Lot 1 N 1/2 S 1/2 " " " " " "
Lot 1 N 1/2 S 1/4 " James F Yoing. A Koppikus in possession residence Sac City
Lot 1 S 20 feet " A Koppikus residence Sacramento City
(John Hatch senior residence Sacramento City mortgagee on all Lot 1)
Lot 2 owner Jerome Madden residence Sacramento City
Lot 3 " " " " " "
Lot 4 N 1/2 W 1/2 Owner Byron Lillee
Lot 4 W 1/2 E 1/2 S 1/2 " J W Dexter
Lot 4 N 1/2 E 1/4 " John W Bell residence San Francisco
Lot 4 N 1/4 S 1/2 " J H Gass " Sacramento City



S B Leavitt Sacramento City.
Lot 4 S 1/2 N 1/2 S 1/2 Owner Simon Shindler residence Sacramento City
Lot 4 N 1/2 S 1/4 owner Lucy Backus residence Sacramento City
Lot 4 S 20 feet Owner Simon Shindler: residence Sacramento City: Jerome Madden Sacramento City claimant by Sas title and possession of Lot 4
(For S 1/2 of Block see Block below.)

Names of Owners and Claimants to South half of Block between M and N and Eleventh and Twelfth Streets.
Lot 5 N 1/4 owner Geo H Fogg: residence Sacramento City A R Jackson Sacramento City
Lot 5 S 1/2 N 1/2 owners J H Mc Kee San Francisco: Estate of Hardin Bigelow: A R Jackson Sacramento City.
Lot 5 E 1/2 S 1/2 owners J. H. Mc Kee San Francisco: Estate of H Bigelow Richard Stilling Sacramento City.
Lot 5 W 1/2 S 1/2 owners Chas D Woods: George Rowland Sacramento City: Jerome Madden by tax title all of Lot 5
Lot 6 owners J. H. Mc Kee San Francisco: estate of H Bigelow R Stilling Sacramento City: Jerome Madden Sacramento City.
Lot 7 owners N D Thayer Folsom or Mormon Island Jerome Madden Sacramento City.
Lot 8 Sacramento City in trust for the Common Schools
Daniel St C Stevens
Searcher of Records
Sacramento April 21st 1860 at 11 1/2 A. M.

Names of the Owners and Claimants of the Streets and Alleys within the following described limits.
Commencing at the North west corner of Lot No 1 in the Block bounded by Tenth and Eleventh L and M Streets in said City of Sacramento: thence East along the South line

of L street to the intersection of L and Twelfth streets: thence South along the West line of Twelfth street to the intersection of Twelfth and K streets: thence West along the North line of K street to the intersection of K and Tenth streets: thence North along the East line of Tenth street to the place of beginning: Owners: John A Sutter junior residence Acapulco Mexico: The City of Sacramento represented by the Board of Supervisors of the City and County of Sacramento.

Daniel S C Stevens
Searcher of Records

Sacramento 21st April 1860

And it further appearing upon enquiry and Consultation that said Board of Commissioners and the parties in interest in said land who appeared for that purpose could not agree upon at least two or upon any number of Commissioners to ascertain the compensation to be paid for said land etc:

The said Judge being fully advised in the premises did appoint B B Redding Warden Sheriff of said County Harry Houghton Physician and Levi Hermance Attorney at law being three competent and disinterested persons Commissioners to ascertain such Compensation as provided in the Act aforesaid. And having ordered a Statement of the proceedings aforesaid to be entered in his minutes to wit The Minutes of the District Court aforesaid, the said Judge did dissolve the Meeting herein before noted

Signed Jno H Mc Kune
Dist Judge

Order of Court directing Commissioners to organize

District Court June Term June 4th A D 1860

In the matter of the Board of Commissioners Created by an Act entitled An Act to provide for the Construction of the State Capitol in the City of Sacramento for the condemnation of



the land described in said Act and to vest the title thereof in the State of California

It is ordered by the Hon John H Mc Kune Judge of the Sixth Judicial District in and for the City and County of Sacramento and State of California in open Court that the Commissioners heretofore appointed on the 2nd day of June A D 1860 Convene for the purpose of organization at the District Court Room of the Sixth Judicial District aforesaid at Jansens Building in the City & County of Sacramento on the 7th day of June A D 1860 at 10 o'clock A M,

It is further ordered that the Clk of this Court serve certified Copies of this order on the Commissioners forthwith

(Signed) Jno H Mc Kune
Dist Judge

Certificate of Appointment of B B Redding as Commissioner

State of California
City and County of Sacramento } ss

I Jerome Madden County Clerk in and for said City and County and ex officio Clerk of the District Court of the 6th Judicial District do hereby certify that at the April Term of said Court to wit on Saturday the 2nd day of June A D 1860 the Hon John H Mc Kune District Judge of said Court appointed B B Redding a Commissioner to ascertain and certify the compensation proper to be made to the owner or owners or parties interested in land and improvements condemned for State Capitol purposes in the City of Sacramento. Witness my hand and the seal of said Court this 7th day of June A D 1860 Signed Jerome Madden Clerk

State of California
City and County of Sacramento } ss

I B B Redding do solemnly swear that I will support the Constitution of the United States and the constitution of the State of California and that I will faithfully discharge the duties of the office of Commissioner of State Capitol Grounds to the best of my skill and ability So help me God

B. B. Redding

Subscribed and sworn to before me this 7th day of June A D 1860

Jerome Madden
Clerk

(Endorsed) Filed June 7th 1860

Jerome Madden Clerk.

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Certificate of appointment of Levi Hermance as Commissioner

State of California
City & County of Sacramento } ss

I Jerome Madden County Clerk in and for said City and County and Ex officio Clerk of the District Court of the 6th Judicial District do hereby certify that at the April Term of said Court to wit on Saturday the 2nd day of June 1860 the Hon John H Mc Kune District Judge of the said Court appointed Levi Hermance a Commissioner to ascertain and certify the compensation proper to be made to the owner or owners or parties interested in the land and improvements condemned for State Capitol purposes in the City of Sacramento. Witness my hand and Seal of said Court this 7th day of June A D 1860

Jerome Madden
Clerk



State of California
City and County of Sacramento } ss

I Levi Hermance do solemnly swear that I will support the Constitution of the United States & the Constitution of the State of California and that I will faithfully discharge the duties of the office of Commissioner of State Capitol grounds to the best of my skill and ability So help me God

Subscribed and sworn to before me this 7th day of June 1860

Levi Hermance

Jerome Madden
Clerk

(Endorsed) Filed June 7th 1860

Jerome Madden
Clerk.

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Certificate of Appointment of Harvey Houghton as Commissioner

State of California
City and County of Sacramento } ss

I Jerome Madden County Clerk in and for said City and County and ex officio Clerk of the District Court of the 6th Judicial District do hereby certify that at the April Term of said Court to wit on Saturday the 2nd day of June A D 1860 the Hon John H Mc Kune District Judge of said Court appointed Harvey Houghton a Commissioner to ascertain and certify the compensation proper to be made to the owner or owners or parties interested in the land and improvements condemned for State Capitol purposes in the City of Sacramento. Witness my hand and seal of said Court this 7th day of June A. D. 1860

Jerome Madden
Clerk

State of California
City and County of Sacramento } ss

I Harvey Houghton do solemnly swear that I will support the Constitution of the United States and the Constitution of the State of California that I will faithfully discharge the duties of the Office of Commissioner of State Capitol Grounds to the best of my skill and ability So help me God

Subscribed & Sworn to before me
this 7th day of June A D 1860 H. Houghton.
Jerome Madden
Clerk

(Endorsed) Filed June 7th 1860
Jerome Madden
Clerk.

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## Awards of Commissioners

State of California
City & County of Sacramento } ss

To the Hon'ble J. H. McKune
District Judge of the Sixth Judicial District

Your Commissioners appointed by your Honor on the 2nd day of June A D 1860 to "Ascertain and certify the compensation proper to be made to the owner or owners or parties interested in the land described in "An Act to provide for the Construction of the State Capitol in the City of Sacramento Approved March 29th 1860" respectfully represent that they organized on the 7th day of June 1860 in the District Court room of said District at 10 o'clock of said day by electing Harvey Houghton Chairman and B B Redding Secretary



and after having given due notice to all parties to present their Claims and having adjourned from day to day till the 19th day of June in said year proceeded to hear the proofs and allegations of the parties, and continued to hear such proofs from day to day until they were in all the cases presented & heard, and said cases submitted. And after hearing all the testimony of all parties interested claiming to be heard both for and against the claims presented by the petitions of each and as exhibited by the Abstract required to be made by the Attorney General, found ascertained and awarded the following as the compensation proper to be made to the parties interested in said land and hereby certify to the same as set forth in the Schedule hereto annexed.

All of which is most respectfully submitted
H Houghton
Levi Hermance
B B Redding

## Schedule
### Block L and M 10th and 11th Streets.

| Fraction | Lot | Owners & Claimants | Value of Land & Damages | Value of Impts & Damages |
|---|---|---|---|---|
| | 1 | Philo Nest's interest therein | $ 1597 00 | $ 1000 00 |
| | | Jno McKees | 1 00 | |
| | | Oliver Greens | 2 00 | |
| | 2 | City of Sacramento | 1200 00 | |
| | 3 | | 1100 00 | 3500 00 |
| | | Wm Kennedy's Impts on Lot 2 | | 400 00 |
| N ½ | 4 | M. G. Davenport | 650 00 | 75 00 |
| N ½ S ½ | 4 | Wm M Harron | 325 00 | |
| | | Mahoney's interest in Impts & Leasehold thereon | | 200 00 |
| S ½ | 4 | Joseph Keane (Subject to Richd Brown's Mortgage & to Geo Earle's Mechanic's Lien) | 375 00 | 750 00 |

| | | | | | | | |
|---|---|---|---|---|---|---|---|
| 5 | Bishop Alemany in trust | | | | | | |
| 6 | " " " " | 3 | 437 | 82 | | 300 | 00 |
| 7 | " " " " | | | | | | |
| | H Gallaghers int by Tax title | | 160 | 09 | | | |
| | Sac City for Delinquent Taxes 1/8 | | 102 | 09 | | | |
| 8 | Bishop Alemany in trust | 1 | 141 | 79 | | | |
| | Est of W D M Howard 1/8 int | | 169 | 70 | | | |
| | Talbot H Green's 1/16 " | | 84 | 86 | | | |
| | H Gallahers int by Tax title 1/8 | | 64 | 91 | | | |
| | Sac City for Delinquent Taxes 1/8 | | 38 | 74 | | | |
| | | $ 10 | 450 | 00 | $ | 6225 | 00 |

## Block L and M 11th & 12th Streets

| Fraction | Lot | Owners & Claimants | Value of Land & Damages | | Value of Impts & Damages | |
|---|---|---|---|---|---|---|
| W 1/2 | 1 | G. L. Simmons int therein | 680 | 00 | 1200 | 00 |
| | | Volney E Howards " " | 20 | 00 | | |
| E 1/2 | 1 | J H Jackson's " " | 260 | 00 | 50 | 00 |
| | | Isaac Reeves " " | 130 | 00 | | |
| | | Maria L Barkus " " | 190 | 00 | | |
| | | Volney E Howards " " | 20 | 00 | | |
| N 1/2 | 2 | J W Underwood | 561 | 34 | 2246 | 02 |
| | | (Subject to Mortgage held by A B Sabin) | | | | |
| | | Bevlah Baptist Church interest | 1 | 00 | 1 | 00 |
| | | Sac City for Delinquent Taxes | 17 | 66 | 52 | 98 |
| | | James S Grahams interest | 20 | 00 | | |
| S 1/2 | 2 | W H H Lee's | 435 | 00 | 600 | 00 |
| | | Jas S Grahams | 15 | 00 | | |
| | 3 | Mrs Torrey | 945 | 64 | 50 | 00 |
| | | Sac City for Delinquent Taxes | 29 | 36 | | |
| | 4 | Leonard Keller Surfes interest | 1150 | 00 | 1150 | 00 |
| | | (Subject to Mortgages held by Mrs Torrey & Chas H Dexter) | | | | |
| | 5 | Frances Hanks interest | 1100 | 00 | 800 | 00 |



| | | | | | | | |
|---|---|---|---|---|---|---|---|
| | 6 | Frances Hanks interest | 1000 | 00 | | | |
| | 7 | Est of Thomas A Larkins int | 612 | 50 | | | |
| | | " W D M Howard | 87 | 50 | | | |
| | | Sam Mc Cullough's int | 350 | 00 | | | |
| | 8 | Est of Thos O Larkin | 730 | 00 | | | |
| | | " of W D M Howard | 103 | 33 | | | |
| | | Sam Mc Cullough's interest | 416 | 67 | 500 | 00 | |
| | | | $ 8.875 | 00 | $ 6.650 | 00 | |

## Block M and N 10th & 11th Streets

| Fraction | Lot | Owners & Claimants | Value of Land & Damages | | Value of Impts & Damages | |
|---|---|---|---|---|---|---|
| | 1 | John S Mansons interest | 1599 | 00 | 200 | 00 |
| | | Amos Potts " | 1 | 00 | | |
| West 60 feet | 2 | Henry Klays | 1050 | 00 | 2800 | 00 |
| | | (Subject to Mortgage of Mrs J L Buckhout) | | | | |
| E 1/4 | 2 | N. P. Simmons interest | 350 | 00 | | |
| W 13 1/3 feet | 3 | " " " " | 213 | 40 | 1900 | 00 |
| | | (Subject to Mortgage of C Strong) | | | | |
| Middle 33 1/3 ft | 3 | A. P. Simmons interest | 543 | 30 | 1500 | 00 |
| | | (Subject to Mortgage of Marcus Groff) | | | | |
| East 33 1/3 ft | 3 | David Strickland | 543 | 30 | 2125 | 00 |
| | | (Subject to mortgage of J P Littlefield) | | | | |
| | 4 | Jno S Mansons interest | 1399 | 00 | 50 | 00 |
| | | A Koppikus interest | 1 | | | |
| | 5 | L. L. Lynch's " | 1150 | | 50 | 00 |
| | 6 | " " " " | 1000 | | 50 | 00 |
| | 7 | Rachel Hymans " | 940 | | 600 | 00 |
| | | (Subject to Vendors Lien held by L L Lynch) | | | | |
| | | G W Cases interest | 60 | | | |
| S 100 ft | 8 | John Ward's interest | 850 | | 1200 | 00 |
| N 60 ft | 8 | G W Case | 433 | 32 | 433 | 32 |
| | | (Subject to mortgages held by Mary L Irwin) | | | | |
| | 8 | Sac City for Delinquent Taxes | 16 | 68 | 16 | 68 |
| | | | $ 10.150 | 00 | $ 10.925 | 00 |

## Block M and N 11th & 12th streets

| Fraction | Lot | Owners and Claimants | Value of Land and Damages | | Value of Impts and Damages | |
|---|---|---|---|---|---|---|
| N ½ | 1 | A Kopfskus interest | 700 | 00 | | |
| N ½ S ½ N ½ S ½ | 1 | " " " | 400 | 00 | 900 | 00 |
| | | (Subject to Mortgage to Buckbatch Sons) | | | | |
| S ½ S ¼ | 1 | James F Youngs int | 150 | 00 | | |
| | 2 | Jerome Maddens " | 1100 | 00 | | |
| | 3 | " " " | 1050 | 00 | 190 | 00 |
| N ½ E ¼ | 4 | J W Bells interest | 150 | 00 | | |
| | | Jerome Maddens interest | 60 | 00 | | |
| S ½ W ½ E ¼ | 4 | James W Desters " | 100 | 00 | | |
| | | Jerome Maddens " | 55 | 00 | | |
| N ½ W ½ | 4 | Byron Lillie " | 200 | 00 | | |
| | | Jerome Maddens " | 110 | 00 | | |
| N ¼ S ½ | 4 | J H Gass & S B Leavitt | 80 | 00 | | |
| | | Jerome Maddens interest | 40 | 00 | | |
| S ½ N ½ S ½ | 4 | Simon Shindler " | 80 | 00 | | |
| | | Jerome Maddens " | 40 | 00 | | |
| S ½ | 4 | Simon Shindler " | 110 | 00 | | |
| | | Jerome Maddens " | 55 | 00 | | |
| W ½ E ¼ | 4 | Lucy Backus " | 80 | 00 | | |
| | | (Subject to Judgment Lien of Carlan) | | | | |
| | | Jerome Maddens interest | 40 | 00 | | |
| N ¼ | 5 | Geo H Foggs interest | 175 | 00 | | |
| | | A R Jackson " | 80 | 00 | | |
| | | Carried forward | $ 4555 | 00 | $ 1090 | 00 |



| Fraction | Lot | Owners and Claimants | Value of Land and Damages | | Value of Impts and Damages | |
|---|---|---|---|---|---|---|
| | | Brought forward | $ 4855 | 00 | $ 1090 | 00 |
| S ½ N ½ | 5 | J H McKee's interest | 125 | 00 | | |
| | | A. R. Jackson's " | 70 | 00 | 900 | 00 |
| S ½ E ½ | 5 | J H McKee's " | 220 | 00 | | |
| | | Richard Stribling | 100 | 00 | 900 | 00 |
| S ½ W ½ | 5 | George Rowland & Chas D Moss | 145 | 00 | | |
| | | Richard Stribling | 85 | 00 | | |
| | 6 | J. H. McKee's interest | 600 | 00 | | |
| | | Jerome Maddens " | 200 | 00 | | |
| | | Richard Striblings " | 50 | 00 | | |
| | | A R Jackson's " | 50 | 00 | | |
| | 7 | A D Thayers " | 600 | 00 | | |
| | | Jerome Maddens " | 300 | 00 | | |
| | 8 | Sacramento City in trust for the "Common Schools" | 800 | 00 | 900 | 00 |
| | | Imogene Thayers interest | 250 | 00 | | |
| | | | $ 8450 | 00 | $ 3790 | 00 |

## Of the Streets and Alleys bounded by L and N and 10th and 12th Streets.

| Owners & Claimants | Value of Land & Damages | | Value of Impts and Damages | |
|---|---|---|---|---|
| John A Sutter ½ interest | $ 1 | 00 | | |
| Sacramento City's " | 1 | 00 | | |
| | $ 2 | 00 | | |

## Recapitulation

| | Land & damages | Impts & damages | |
|---|---|---|---|
| Val of Block L & M 10 & 11 | $10 450 00 | 6 225 00 | |
| " " L & M 11 & 12 | 8 875 00 | 6650 00 | |
| " " M & N 10 & 11 | 10 150 00 | 10 925 00 | |
| " " M & N 11 & 12 | 8 450 00 | 3 790 00 | |
| " " Streets and alleys | 2 00 | 0 00 | |
| Total Value of Land | $37 927 | | |
| Total Value of Improvements | | $27 590 00 | |
| Grand Total | | | $65 517. 00 |

Commissioners { H Houghton
B B Redding

I concur in the above report and Certificate and in all the foregoing findings and ascertainments except the claims presented by J. W. Underwood and The Beulah Baptist Church, in which cases I did not sit And dissent to the findings for improvements in the case of S. L. Simmons - Also to the findings in the case of Jno Mc Kee and Oliver Green for their interest in Lot No 1 in Square L and M 10th & 11th Streets. Also to the findings in favor of A Koppikus for interest in Lot numbered 4 in Square between M and N and 10th and 11th Streets

Levi Hermance
Commissr

(Endorsed) - Filed in the District Court 6th Judicial District -
July 5th A. D. 1860
Jerome Madden Clk
By Thos K. Munk Dpty Clk.



## Supplemental Report to Schedule of Awards

To The Honble J. H. Mc Kune
District Judge of the 6th Judicial District

Your Commissioners appointed to ascertain and certify the Compensation proper to be made to the owner or owners or parties interested in the land described in an Act to provide for the Construction of the State Capitol in the City of Sacramento approved March 29th 1860 filed in the District Court of said 6th Judicial District on July 5th 1860 a Schedule of Awards to which all persons in said lands interested are entitled to receive, herewith submit the following Amendments to said Schedule

To Lots numbered 2 & 3 in Block L and M 10th & 11th streets in Column of "Owners and Claimants thereto" read City & County of Sacramento

To value of land and damages to Lot No 3 in Block L and M and 11th and 12th Streets owned and claimed by Mrs Yorey - read $970. 64 instead of $945. 64

To Lot No 7 in Square M and N sts and 10th and 11th Streets owned and claimed by Rachel Hayman - add "also subject to Mortgage held by Christopher Greg

Respectfully Submitted by
Commissioners { H Houghton
B B Redding

Sacramento July 9th 1860.

(Endorsed) Filed in the District Court 6th Judicial District
July 9th A. D. 1860
Jerome Madden Clk
By Thos K Munk
Dpty Clk

Leonard Keller's Petition for re-trial

State of California
County of Sacramento } In the 6th District Court.

In the matter of the Assessment of Value of property condemned for State Capitol site } The Petition of Leonard Keller would show to the Court.

That he is the owner of Lot number 4 in the Square between L & M & 11th & 12th Streets in the City of Sacramento, which said lot has been condemned as a part of the lands to be used for a site whereon to erect a Capitol for the use of the State, that said lands have been assessed & valued by the Com^rs appointed by this Hon Court only to be worth - the land, the sum of $1150 & the improvements the sum of $1150 - in all the sum of $2300. Whereas petitioner shows that said land is of much greater value to wit of the value of $1300 - and the improvements thereon are of much greater value to wit of the value to wit of the value of $1800 - in all of the value of $3100.

Petitioner shows that the value placed on said land & improvements is much lower than that placed by them on other contiguous lands of less value & of less desirable location

To the end therefore that justice may be done him herein Your Petitioner prays that the Judge of this Hon Court will enquire into the proceedings of said Com^rs so far as said lands are concerned and make such order in the premises for a new trial or re-trial of said matter as to said property as may secure him his rights. And that he may have such other different & needful relief in the premises as may be just & proper. And as in duty bound etc

Leonard Keller.

(Endorsed) Filed July 14th 1860 Jerome Madden Clerk by Jno. S. Barrett D.C.



N. P. Simmons & wife's Notice of Motion for Re-trial

State of California
County of Sacramento } ss

To the Board of Commissioners appointed to ascertain the Compensation proper to be made to the owner or owners of property in Sacramento City Condemned to be taken for the erection of a State Capitol - And C. Cole Esq District Attorney

Please take notice that on Friday the 20th instant at 10 o'clock A. M. or as soon thereafter as Counsel can be heard the undersigned will move in the District Court of the Sixth Judicial District for a re-trial of case No 7 wherein N. P. Simmons and wife claim Certain portions of said property on the grounds.

1st That the proceedings of said Commissioners in said Case are irregular

2nd That the findings of said Commissioners are contrary to and against evidence

Dated on this 14th day of July 1860

N. P. Simmons & Wife

By their Att'ys Cross & Marshall

Service of the Above is accepted on this 14th day of July 1860

C. Cole

B B Redding Commissioner

Levi Hermance

H Houghton

(Endorsed) Filed July 14th 1860

Jerome Madden Clerk

By D Orfee D.C.

A Koppikus' notice of motion for Re-trial

To the Board of State Capitol Commissioners
Also to Hon J. H. Williams atty General &
to C Cole Esq Dist Atty

Gentlemen

You will please take notice that Adolphus Koppikus one of the parties whose property (to wit Lot m in the Square between M & N 11 & 12 Streets and Lot 4 in the Square between M & N 10th & 11th Streets in the City of Sacramento) is about to be taken for State Capitol purposes under the Act of the Legislature of March 29. 1860 hereby Objects and protests against the award or compensation allowed him for said property and improvements thereon by the Commissioner's appointed by the District Court on the 2nd day of June last. which said award is now on file in said Court: that it is the intention of said Koppikus to move the Court to set aside the award made by the said Commissioners on the ground that the said award is not in accordance with the proofs introduced or value of said property. Also that said Koppikus will demand a re-trial of said matter

Dated July 16 1860 Yours &c
A Koppikus

Acknowledged Copy of above. July 16th 1860
C. Cole.

(Endorsed) Filed July 16th 1860
Jerome Madden Clerk
By John T. Barnett D.C.

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Geo W Case's notice of motion for Re-trial

Messrs J H Williams Attorney General & C Cole District Attorney

Gentlemen

You will please take notice that on Friday next or as soon thereafter as Counsel can be heard Geo W Case will move in the District Court of the 6th Judicial District for a re-trial in the matter of the Compensation to be awarded for his interest in the property to be condemned for public uses for the State Capitol

Sacramento July 13 1860

Daniel J. Thomas
Atty for Case
L. S. Taylor
Atty for Case

I accept Service of the above July 13 1860
C. Cole.

Endorsed) Filed July 20th 1860
Jerome Madden Clk.
By Thos K Mannix Asst Clk

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N P Simmon's Motion for Re-trial

N P Simmons
vs
The State Capitol Commissioners

Before the Board of Commissioners to ascertain the compensation to be given to the owners of property in the lands selected for the erection of a State Capitol

Upon the hearing of the allegations and proofs in the above entitled case the following evidence

was given

Julius Wetzlar a witness produced sworn and examined on the part of the owner deposed and said: that he is a dealer in Real Estate in the City of Sacramento and resides on the property claimed by Capt Simmons & his wife - that the land is worth in the market $800 for each lot or $1600.00 for the whole. And the improvements are worth from $3000.00 to $3500.00 And that the whole of said land and improvements are worth $5000.00 and that the improvements are insured for $3100.00

Seth Babson a witness produced sworn and examined on the part of the owner deposed and said that he was the Architect and Superintendent of the building of the houses on these lots. The improvements on the lots are worth $5000 At this time they could be built for less - They are not as good as new

William G. English a witness produced sworn and examined on the part of the owner deposed and said that he is a dealer in Real Estate in Sacramento City and knows its value. The ground owned by Capt Simmons are worth twenty five dollars per foot Before the passage of this law a short time I was offered that rate for the adjoining lot. Witness also stated that he is agent for 13 Insurance Companies & that he knows they now insure property for more than 3/4 of its value and not often for more than 1/2.

Here the Claimant rested and in opposition thereto the District Attorney introduced as witnesses

E B Ryan who being duly sworn testified that he is the County Assessor and knows by his assessment Roll the value of property in Sacramento.

Claimant by his attorney objected to the Competency of the Witness on the grounds that the Assessment Roll is a record & parol testimony cannot be used to prove its contents - Objection overruled

Witness was then handed a paper purporting to be a Copy of the Assessment Roll



Claimant by his Attorney objects on the grounds that it is not the Original Assessment Roll. Also that the Assessment of property for revenue purposes is not a just measure of the market value of property. Objection Sustained

Witness then stated that he knew the value of this property from observation and from sales made of other adjacent property - one piece by A. K. Grim and one piece by L. L. Lynch. He knew the prices they got by the records of the deeds. That Mr Lynch sold Lot — in the same Square for $700 Also that Capt Simmons had told him his property is worth only what it is assessed at.

Upon cross examination witness stated that Capt Simmons' admission was made to him at the time and place when & where he made the assessment of this property. And then produced a paper which witness said was the admission he referred to. That said paper was Capt Simmons' affidavit on the subject and was taken by the Deputy Assessor who afterwards handed it to him.

Claimant by his Attorney here asked that all of the witness's testimony concerning Capt Simmons' admission be excluded on the grounds that it is hearsay And also that the paper purporting to be his affidavit be excluded on the ground that the Affiant does not therein answer any question or make any statement concerning the value of his property but only as to quantity Objection overruled

Witness then stated that these lots are worth $1200 or $1400. and the improvements $3000.00.

David Madden a witness produced by the District Attorney was then sworn and examined and testified as follows.

I am a resident of Sacramento & a merchant. I own property and pay taxes here. Before the Capitol bill passed I offered lots 1 & 2 between L and

M and 12th & 13th Streets for $1150. Since the location of the Capitol I offered it for $2000. but could find no purchaser

Claimant objects on the grounds of irrelevancy because this property is outside the Capitol grounds & cannot be a standard of value Objection overruled.

I do not know the value of Capt Simmons' property.

Alexander Boyd a witness produced by the District Attorney being duly sworn testified that he is acquainted with this property and knows its value. The Brick building is worth $1900. and the other is worth $1500.00 - There are other improvements on these lots.

Here the evidence on the part of the District Attorney closed. And in rebuttal the claimant produced as a witness L. L. Lynch who being duly sworn testified. That at the time he sold the lot referred to by E. B. Ryan he was about settling up his affairs here to go to Washoe and willing to sell his property at whatever he could get That he was in possession of only one half of the lot he sold & knew nothing particularly about the title. And under these circumstances he sold for about half the actual value of the lot to wit for $650. He also sold only his interest in the lot which was merely the half he had in possession

- Here the evidence was closed -

We believe the above to be substantially a correct statement of the evidence taken before us

H. Houghton Commissioner
R. D. Redding Commissioner

And the Claimants being dissatisfied with the award made by said Commissioners to wit

| | | |
|---|---|---|
| For the land | $1106.60 | |
| " the improvements | 3400.00 | $4506.50. |

said Claimants object to said Valuation on the grounds

1st That it is not a just compensation for the property.



2nd It is not according to the evidence and is contrary to evidence

3rd The proceedings of the Commissioners have been irregular in this that they did not hear the claimants or counsel in summing up evidence. and in ascertaining a value upon other Standards than the evidence given. Also in admitting improper testimony

These claimants therefore ask for a re-trial

Goss & Marshall
Attorneys for claimants.

(Endorsed) Filed July 20th 1860
Jerome Madden Clk
By Thos K Monk.

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Order of Court denying a new trial to N. P. Simmons

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District Court June Term July 20th A D 1860.

In re N. P. Simmons
vs
The State Capitol Commissioners

This matter coming on to be heard upon a petition for a rehearing of the award herein: Now come the parties hereto by counsel Saml Goss Esq for Petitioner and A. C. Monson Esq for the State Capitol Commissioners, and after hearing argument of counsel and the Court being fully advised in the premises. It is ordered that the motion be and the same is hereby denied

(Signed)
Jno. H. McKune
- Dist Judge -

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Order of Court denying motion for rehearing of award to Leonard Keller

District Court June Term July 20th A D 1860

In re Leonard Keller
vs
The State Capitol Commissioners

This matter coming on to be heard upon a petition for a re-hearing of the award herein Now come the parties hereto by Counsel George R Moore Esq for Petitioner and A. C. Monson Esq for the State Capitol Commissioners whereupon M Dwyer was sworn and examined for the Petitioner. To the introduction of said witness and the testimony thereof, the Commissioners by their Counsel then and there excepted, and after hearing argument of Counsel and the Court being fully advised in the premises. It is ordered that the hearing be and the same is hereby denied

Signed
Jno H McKune
Dist Judge

Order of Court Continuing hearing of motion for rehearing of Award to A Koppikus

District Court June Term July 20th 1860

In re A Koppikus
vs
The State Capitol Commissioners

This Cause coming on to be heard upon a petition for a rehearing of the award herein Now come the parties hereto by counsel C. A. Johnson Esq for the Petitioner and A. C. Monson Esqr for the State Capitol Commissioners Whereupon it is ordered by the Court that the hearing of this matter be adjourned to Wednesday the 25th day of July A D 1860 at 9 o clock A. M.

Signed
Jno H McKune
Dist Judge



Order of Court denying motion for rehearing award to Geo. W. Case

In re G W Case
vs
The State Capitol Commissioners

District Court June Term - July 20th 1860 -

This matter comming on to be heard upon a petition for a rehearing of the award herein Now come the parties hereto by Counsel L. S. Taylor for the Petitioner and A. C. Monson Esqr for the State Capitol Commissioners. L. S Taylor was sworn and testified for the Plaintiff. To the introduction of said witness and the testimony thereof the Commissioners by their Counsel A. C Monson Esq then and there excepted and after hearing argument of counsel and the Court being fully advised in the premises It is ordered that the rehearing be and the same is hereby denied

Signed
Jno H McKune
Dist Judge -

Order of Court giving permission to Commissioners appointed to appraise to amend their Award

In the matter of the award of the Commrs appointed to appraise the property condemned for State Capitol purposes } District Court June Term July 20th 1860

On motion of Levi Lawrence Esqr. It is ordered by the Court that the Commissioners appointed to appraise the property condemned for State Capitol purposes have leave to amend their award so far as to make the owners and claimants in lot No 8 in Block M and N 11th and 12th streets read "Sacramento City in trust for the Common Schools" instead of Sacramento City; To which order the State Capitol Commissioners by their counsel A. C. Monson Esqr. then and there excepted.

Signed

Geo H McKune

Dist Judge

Motion of Philo West to set aside Award of Comrs

Philo West vs Board of State Capitol Commissioners } Dist Court of the 6th Judicial District

Now comes the said Filo West and moves the Court to set aside the award of said Comrs in assessing or fixing the value of his lot. and to assess and fix the value of the same according to its true value. He says that he is the owner of & in possession of lot No 1 in the Block between L and M & 10th & 11th streets Sacramento City. that the same was valued at $1550 whereas he says the true value thereof is $3000

Clark & Cass attys for Philo West.



(Endorsed) Filed July 25th 1860

Jerome Madden Clerk

By Thos K. Monk deply Clerk

Petition of A Koppikus and motion to set aside award of appraising Commissioners

In the District Court of the Sixth Judicial District } In matter State Capitol Grounds

In matter of Compensation awarded by Commissioners to A Koppikus the owner &c for Lot 1 in Block between M & N 11 & 12th Streets in City of Sacramento.

And now comes A Koppikus the owner of Lot aforesaid and feeling aggrieved moves this Hon Court to enquire into and set aside the proceedings had before the Commissioners appointed on the 2nd day of June 1860 to ascertain and certify the Compensation to be made to owners of Land between L and N 10th and 12th Streets in the City of Sacramento about to be condemned for State Capitol purposes pursuant to the provisions of the Act of the Legislature of said State entitled an Act to provide for the construction of the State Capitol in the City of Sacramento approved March 29 1860 so far as compensation awarded for Lot One in the Square bounded by M and N 11 & 12th Streets is concerned. and to grant unto your petitioner a retrial in said matter on the ground that the Compensation awarded for said Lot and the proceedings had by and before the said Commissioners in reference thereto was not made or had in good faith: That the grounds upon which this motion is predicated are set forth in the annexed Affidavit

of petition which he herewith files as a part and prays may be taken as a part of this motion

Dated July 26. 1860

C A Johnson
Atty for Kopfpikus.

In the District Court of the Sixth Judicial Distrct

In matter of Compensation awarded by Commissioners to A Kopfpikus the owner &c for Lot One between M and N 11th and 12th Streets in the City of Sacramento

City and County of Sacramento ss

Adolphus Kopfpikus the petitioner and party aggrieved being duly sworn deposes and says that he is in the exclusive possession of Lot One in the Block bounded by M and N 11 & 12 Streets in the City of Sacramento whereon is his Homestead and residence of himself and family numbering in all eight persons five of whom are Children depending wholly upon him for support and education: That he owns the Sutter title to the whole of said Lot: save 20 x 80 feet thereof which last mentioned fraction is situated within 20 Feet of the alley. That the only other real estate in said City owned or claimed by him deponent is a contingent settler ownership under the Statute of this State of Lot 4 in the Block between M and N 10th & 11th Streets now in possession of one John Manson under what is commonly known as the Sutter title.

That your petitioner being so the owner and dwelling with his family as aforesaid in Lot One between M & N 11 & 12th streets which said lot and block were about to be taken for State Capitol purposes under & pursuant to the provisions of the Act of 29 March 1860 referred to in the annexed motion petitioned the Commissioners appointed by your Honor on the 2nd day of June last to ascertain and certify the compensation &c. to ascertain and Certify the proper compensation to be made to your Petitioner for



the Lot One aforesaid and the improvements thereon. That your affiant in his said petition and complaint filed before and with the Commissioners aforesaid claimed and demanded as compensation for said lot his homestead and improvements thereon Situated damages &c the sum of $6.500. or thereabouts That said property actually stands your petitioner in the sum of $4600 "" cash and as a matter of Course the same under the circumstances by all Valuations recognized throughout Civilized nations is worth the costs thereof: that Petitioner is not and never has been a Speculator in real property - that the lot in question has not been bought or owned by him for Speculation but for bona fide Homestead purposes and improved for that purpose only and is not now Voluntarily offered for sale

That afterwards on the — day of June 1860, as in duty bound after filing his petition as aforesaid petitioner introduced the following named witness before the aforesaid Commissioners pursuant to law by whom he proved the following Valuation of said lot by Julius Wetzlar Esq one of the Witnesses so introduced sworn and examined before the said Commissioners deponent proved the value of said naked lot to be $1500. By Jordan another witness he proved the actual market value of said lot to be $2000 "" and by J. H. Jackson another credible witness he proved the market value of said naked lot to be $2500.00

That in opposition thereto the District Attorney introduced by him J J Davis Esq who fixed the value of said naked lot at $1,100.00 And Alex Boyd Esq who fixed said value at $1100 and D. C. Stephens who fixed said value at $1500.00. Thus establishing an average valuation of $1666.00 for the naked lot.

That deponent in the utmost good faith in order to prove up the value of his improvements on said lot, damages &c introduced before said Commissioners as aforesaid — Cline a mechanic who had carefully examined the improvements aforesaid who after being duly sworn testified that the value of deponents dwelling house on the front part of said lot was $1500 and the house on alley on said lot was worth $500.00. making in all $2000. for two

buildings alone That he further proved by said witness that the value of a certain out house on said lot was of the market value & costs of $100.00 That the cost and value of 160 feet in length of brick side walk and curbing on the 11th st side of said lot and side walk about the house was worth the sum of $160 and the filling in of earth preparatory for said side walk was and is worth $100.00: and fences enclosing said lot worth $125.00

That by J Ha Jackson an expert and by Jacob Kammerght another expert at the business each of whom had examined the property carefully he proved before the said Commissioners that the value of deponents fruit trees-vines- Shrubbery flowers &c on said lots were & are worth & of the value of $500. making a total of $2975.00 for improvements on said lot which added to the mean or average value of said Lot as established by the testimony to wit $1666 makes a total sum of $4641.00. for said lot and improvements thereon

That the only conflicting testimony offered to disprove the value of the improvements proved up as aforesaid was given by one Luce a person who has never entered deponents premises by day light at least: and never shall darken his door if deponent can prevent it. That said Luce at a venture fixed the value of said improvements at $400

That in any legal or equitable phase of the case deponent under the testimony & law of the case was entitled to a certificate and award from the said Commissioners of $4000.00 to $4500 but that the said Commissioners acting in bad faith towards this deponent and not without favor or partiality ascertain or certify the proper legal or equitable or actual or market value of the property aforesaid or compensation to be made to deponent for said property

But being biassed in favor of the City and State the said Commissioners afterwards on the 5th day of July 1860 filed in the Clerks Office of this Court their ascertainment of the value and compensation to be made for the lot in question with others- by which ascertainment and certificate the said Commissioners awarded the sum of $1250.00 as the total value of said Lot exclusive of the improvements- from which sum is deducted the sum of $150 for the 20 x 80 feet thereof whereunto deponent has not better title- thus leaving the sum of $1100 coming to deponent for said lot That the said Commissioners in like manner fixed the value of all the improvements aforesaid including damages at $900.00 making a total



valuation of $2000. awarded to deponent for his entire interest in said property improvements &c &c

Deponent says that the proceedings had by the said Commissioners in this matter were not had in good faith. That in making up their award for compensation the said Commissioners ignored the testimony in said case, disregarded the rights of deponent in the premises - were biassed in favor of the City and State and prejudiced against deponent, and in their award did not give deponent fifty per cent on the actual value of the property thus about to be taken from him against his consent or of the value thereof as established by the testimony introduced before the Commissioners.

Deponent prays leave to refer in this matter to all the papers on file in said matter.

Wherefore all the premises being understood by the Court this deponent prays that inasmuch as a great and irreparable wrong has been attempted and will be perpetrated on deponent if the present ascertainment of value of said lot & improvements &c be allowed to stand, he respectfully asks that the award & ascertainment of the said Commissioners be set aside by the Court and a re-trial of said matter ordered.

Subscribed and Sworn to before me this 25th day of July 1860
Jerome Madden Clerk

A. Koppikus.

(Endorsed) Filed July 25th 1860
Jerome Madden Clerk
By Thos. K. Munk Deputy Clk.

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Order of Court taking matter of A Koppikus under advisement

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In re A Koppikus
vs
The State Capitol Commissioners

District Court July 25th June Term 1860.

This matter coming on to be heard pursuant to adjournment upon a Petition and motion for a rehearing of the award herein, was argued by Counsel and by the Court taken

under advisement

(Signed) Jno H McKune
Dist Judge

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Order of Court taking matter of Philo West under advisement

District Court June Term July 25th 1860

In re Philo West
vs
The State Capitol Commissioners

This cause coming on to be heard upon a motion for a rehearing of the award herein the parties hereto appearing by counsel- Cass Esq for Philo West and A.C. Monson Esqr for the State Capitol Commissioners; Jerome Madden was sworn and testified for the Petitioner- to the introduction of the said witness and the testimony thereof the Commissioners by their Counsel then and there objected And after hearing argument of Counsel this Cause is taken under advisement by the Court

Signed
Jno H McKune
Dist Judge

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Order of Court denying rehearing of Award to Henry Klays

District Court July 25th June Term 1860

In re Henry Klays
vs
The State Capitol Commissioners

Now comes Dan'l J Thomas in open Court and moves the Court for a rehearing of the award herein



which motion was by the Court denied

Signed
Jno H McKune
Dist Judge

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Order of Court denying rehearing of Award to David Strickland

District Court July 25th June Term 1860.

In re David Strickland
vs
The State Capitol Commissioners

Now comes Dan'l J Thomas in open Court and moves the Court for a rehearing of the award herein which motion was by the Court denied

(Signed)
Jno H McKune
Dist Judge

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Order of Court denying rehearing of Award to A. R. Jackson

District Court July 25th June Term 1860

In re A.R. Jackson
vs
The State Capitol Commissioners

Now comes Dan'l J Thomas of Counsel for A.R. Jackson and in open Court moves the Court for a rehearing of the award herein, which motion was by the Court overruled.

(Signed)
Jno H McKune

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Order of Court denying rehearing of award made to A Koppikus

District Court June Term July 26th A D 1860.

In re A Koppikus
vs
The State Capitol Commissioners } This cause having been taken under advisement upon a motion for a rehearing of the award herein. It is now ordered that the same be denied.

(Signed)
Jno H McKune
Dist Judge.

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Order of Court denying rehearing of award made to Philo West.

In re Philo West
vs
The State Capitol Commissioners } District Court June Term July 26th A D. 1860.

This cause having been taken under advisement upon a motion for the rehearing of the award herein. It is now ordered that the same be denied

(Signed)
Jno H McKune
Dist Judge

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Petition of Appraising Commissioners to be discharged and have Compensation for their services fixed

To Hon Dist Court
6th Judicial District

The undersigned Commissioners appointed by the Hon Court 6th Judicial District on the 4th day of June A D 1860 to ascertain the compensation proper to be made to the owner or owners or parties interested in the land condemned for State Capitol purposes. respectfully represent that they have performed the duties required and ask to be discharged

The undersigned would further respectfully represent that they were sworn into office on the 7th of June and held sessions daily in an examination of the matters before them and in hearing testimony until the 5th of July on which day their report was made to this Hon Court. that since this time they have been in readiness to sit on any retrials that might be petitioned for and sent back to them and have certified papers on appeal to this Court.

They would therefore respectfully ask your Hon Court to cause an order to be entered certifying to the State Capitol Commissioners the amount that the undersigned be awarded as a just and proper Compensation for the services rendered in accordance with Section 2 of the Act entitled "An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax" Approved April 21st 1860 –

And your petitioners as in duty bound will ever pray &c

Sacramento July 27th 1860

B. B. Redding
A. Houghton
Levi Hermance

Endorsed Filed July 27th 1860
Jerome Madden Clk
By Thos. K. Munk
Deputy Clerk.

Order of Court discharging Appraising Commissioners and fixing their Compensation

In the matter of the Com^rs. appointed to ascertain the value of property Condemned for State Capitol purposes } District Court June Term July 27th A. D. 1860.

It is ordered by the Court that B B Redding H Houghton & Levi Hermance three Commissioners appointed by this Hon^l Court on the 2nd day of June A D 1860 to ascertain and certify the compensation proper to be made to the owner or owners of property condemned for State Capitol purposes, be and they are hereby discharged and It is further ordered, that they are each entitled to the sum of Two hundred dollars as compensation for serving as such Commissioners

Signed

Jno H Mc Kune

Dist Judge.

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Order of Court confirming awards of Appraising Commissioners

In the matter of the Commissioners appointed to ascertain the compensation proper to be made to the owners of land and the improvements thereon, condemned for State Capitol purposes } District Court June Term July 27th - A D 1860 -

Now on this day it is ordered and adjudged by this Court that the findings and conclusions of the Commissioners heretofore appointed to appraise the property condemned for State Capitol purposes contained in their "Schedule of Awards" filed July 5th A D 1860 and



in their "Supplemental Report to Schedule of Awards" filed July 9th A D 1860 be in all things confirmed: The Schedule of Awards and Supplemental Report to Schedule of Awards referred to are in the words and figures following to wit:

State of California
City & County of Sacramento } ss

To

The Honble J H Mc Kune
District Judge of the Sixth Judicial District

Your Commissioners appointed by your Honor on the 2nd day of June A D 1860 to Ascertain and certify the compensation proper to be made to the owner or owners or parties interested in the land described in An Act to provide for the construction of the State Capitol in the City of Sacramento approved March 29th 1860 respectfully represent that they organized on the 7th day of June 1860 in the District Court Room of said District at 10 o clock of said day by electing Harvey Houghton Chairman and B. B. Redding Secretary and after having given due notice to all persons to present their claims and having adjourned from day to day till the 19th day of June in said year proceeded to hear the proofs and allegations of the parties and continued to hear such proofs from day to day until they were in all the cases presented and heard and said cases submitted and after hearing all the testimony of all parties interested claiming to be heard both for and against the claims presented by the petitions of each and as exhibited by the Abstract required to be made by the Attorney General, found ascertained and awarded the following as the compensation proper to be made to the parties interested in said land and hereby certify to the same as set forth in the Schedule hereto annexed. All of which is most respectfully submitted

H Houghton
Levi Hermance
B. B. Redding

## Schedule Block L and M 10th & 11th Streets

| Fraction | Lot | Owners & Claimants | Value of Land & damages | Value of Impts & Damages |
|---|---|---|---|---|
| | 1 | Phile Wests int therein | 1597 00 | 1000 00 |
| | " | Jno Mc Kees | 1 00 | |
| | " | Oliver Greens | 2 00 | |
| | 2 | City of Sacramento | 1200 00 | |
| | 3 | " " " | 1100 00 | 3500 00 |
| | " | M Kennedys Impts Lot 2 | | 400 00 |
| N ½ | 4 | M G Davenports | 650 00 | 750 00 |
| N ½ S ½ | 4 | Wm M Harran | 325 00 | |
| | " | Mahoneys int in Impts & | | |
| | " | Leasehold thereon | | 200 00 |
| S ¼ | 4 | Joseph Keane | 375 00 | 750 00 |
| | " | Subject to Richd Breen's Mortgage | | |
| | " | to George Earls mechanics Lien | | |
| | 5 | Bishop Alemany in trust | | |
| | 6 | " " " " | 3437 82 | 300 00 |
| | 7 | " " " " | | |
| | " | H Gallaghers int by tax title | 160 09 | |
| | " | Sac City for Delingt Taxes 58 | 102 09 | |
| | 8 | Bishop Alemany in trust | 1141 79 | |
| | " | Est of W D M Howard ¾ int | 169 70 | |
| | | Talbot H Green ¼ " | 84 86 | |
| | | H Gallagher's int Tax title 59 | 64 91 | |
| | | Sac City for Delingt Tax 58 | 38 74 | |
| | | | $ 10450 00 | $ 6225 00 |



## Block L and M 11th and 12th Streets

| Fraction | Lot | Owners & Claimants | Value of Land & damages | Value of Impts & Damages |
|---|---|---|---|---|
| W ½ | 1 | G. L. Simmons int therein | 680 00 | 1200 00 |
| | " | Volney E Howards " | 20 00 | |
| E ½ | 1 | J H Jacksons " | 260 00 | 50 00 |
| | " | Isaac Pierces " | 130 00 | |
| | " | Maria L Backus " | 190 00 | |
| | " | Volney E Howards " | 20 00 | |
| N ½ | 2 | J. W Underwoods | 561 34 | 2246 02 |
| | " | Subject to Mortgage held by Salin | | |
| | " | Beulah Baptist Church int | 1 00 | 1 00 |
| | " | Sac City for delingt Taxes | 17 66 | 52 98 |
| | " | Eames & Grahams Int. | 20 00 | |
| S ½ | 2 | W H H Lee's " | 435 00 | 600 00 |
| | " | James L Grahams " | 15 00 | |
| | 3 | Mrs Torreys | 945 00 | 50 00 |
| | " | Sac City delingt Taxes | 29 36 | |
| | 4 | Leonard Keller Heirs int | 1150 00 | 1150 00 |
| | | Subject to Mortgages held by Mrs Torrey & Chas H Dexter | | |
| | 5 | Francis Hanks's int " | 1100 00 | 800 00 |
| | 6 | " " " | 1000 00 | |
| | 7 | Est of T. O. Larkin's | 612 50 | |
| | " | " W. D. M. Howard | 87 50 | |
| | " | Sam'l Mc Cullough's int | 350 00 | |
| | 8 | Est of T. O. Larkin | 730 00 | |
| | " | " W D M Howard | 103 33 | |
| | " | Sam Mc Cullough's interest | 416 67 | 500 00 |
| | | | $ 8875 00 | $ 6650 00 |

## Block M and N. 10th and 11th Streets

| Fraction | Lot | Owners & Claimants | Value of Land and Damages | | Value of Impts and Damages | |
|---|---|---|---|---|---|---|
| | 1 | Jno. G. Manson's interest | 1599 | 00 | 200 | 00 |
| | " | Amos Pratt's " | 100 | | | |
| W½ Coff | 2 | Henry Klays | 1050 | 00 | 2800 | 00 |
| | | Subject to Mortgage of Jno T. L. Brockhaut | | | | |
| E¼ | 2 | N. P. Simmons interest | 350 | 00 | | |
| W 13⅓ feet | 3 | " " " | 213 | 40 | 1900 | 00 |
| | " | Subject to Mortgage of C. Stramm | | | | |
| Middle 33⅓ ft | 3 | N. P. Simmons interest | 543 | 30 | 1500 | 00 |
| | " | Subject to Mortgage of Marcus Graf | | | | |
| E 33⅓ feet | 3 | David Strickland | 543 | 30 | 2125 | 00 |
| | " | Subject to Mortgage of N. P. Gilfillen | | | | |
| | 4 | John. S. Manson's interest | 1399 | 00 | 50 | 00 |
| | " | A Koppikus " | 100 | | | |
| | 5 | L. L. Lynch's " | 1150 | 00 | 50 | 00 |
| | 6 | " " " | 1000 | 00 | 50 | 00 |
| | 7 | Rachel Hymans | 940 | 00 | 600 | 00 |
| | " | Subject to Vendors Lien held by L L Lynch | | | | |
| | " | G W Cases int t | 60 | 00 | | |
| S 100 feet | 8 | John Woods interest | 850 | 00 | 1200 | 00 |
| N 60 feet | 8 | G W Case | 433 | 32 | 433 | 32 |
| | | Subject to Mortgage held by M. L. Grim | | | | |
| | 8 | Sac City Delgt Tax | 16 | 68 | 16 | 68 |
| | | | $10.150 | 00 | $10.925 | 00 |



## Block M and N. 11th and 12th Streets

| Fraction | Lot | Owners & Claimants | Value of Land and Damages | | Value of Impts and Damages | |
|---|---|---|---|---|---|---|
| N½ | 1 | A Koppikus Int | 700 | 00 | | |
| N½ S½ N½ 7 & 8 | 1 | " " " | 400 | 00 | 900 | 00 |
| | " | Subject to Mortgage to (Brothaler Sons) | | | | |
| N½ S¼ | 1 | James F Youngs interest | 150 | 00 | | |
| | 2 | Jerome Maddens " | 1100 | 00 | | |
| | 3 | " " " | 1050 | 00 | 190 | 00 |
| N½ E¼ | 4 | J W Bell's " | 150 | 00 | | |
| | " | Jerome Maddens " | 60 | 00 | | |
| N½ W½ E½ | 4 | James W Dexter's " | 100 | 00 | | |
| | " | Jerome Maddens " | 55 | 00 | | |
| N½ W½ | 4 | Byron Lillie | 200 | 00 | | |
| | " | Jerome Madden | 110 | 00 | | |
| N¼ S½ | 4 | J H Gass & S. B. Leavitt | 80 | 00 | | |
| | " | Jerome Maddens interest | 40 | 00 | | |
| S½ N½ S½ | 4 | Simon Shindler " | 80 | 00 | | |
| | " | Jerome Madden " | 40 | 00 | | |
| S¼ | 4 | Simon Shindler " | 110 | 00 | | |
| | " | Jerome Madden " | 55 | 00 | | |
| N½ S¼ | 4 | Lucy Backus Subject to Lien of Covenant Judgment | 80 | 00 | | |
| | " | Jerome Maddens interest | 40 | 00 | | |
| N¼ | 5 | Geo H Foggs " | 175 | 00 | | |
| | " | A R Jackson's " | 80 | 00 | | |
| S½ N½ | 5 | J H McKees interest | 125 | 00 | | |
| | " | A R Jacksons " | 70 | 00 | 900 | 00 |
| S½ E½ | 5 | J. H. McKees " | 220 | 00 | | |
| | " | Richd Stubblings " | 100 | 00 | 900 | 00 |
| S½ W½ | 5 | Geo Rowland & Chas Wood | 145 | 00 | | |
| | " | Richd Stubblings | 85 | 00 | | |
| | 6 | J H McKee's interest | 600 | 00 | | |
| | " | Jerome Maddens " | 200 | 00 | | |
| | " | Richd Stubblings " | 50 | 00 | | |
| | " | A R Jacksons " | 50 | 00 | | |
| | 7 | N D Thayers " | 600 | 00 | | |
| | " | Jerome Maddens " | 300 | 00 | | |
| | 8 | Sac City in trust for Common Schools | 800 | 00 | 900 | 00 |
| | " | Imogene Thayers interest | 250 | 00 | | |
| | | | $8.450 | 00 | $3.790 | 00 |

Of the Streets and alleys bounded by L and N and 10th and 12th Streets.

| Owners & Claimants | Value of Land & damages | Value of Impts and Damages |
|---|---|---|
| John A Sutters interest | 1 00 | |
| Sacramento City | 1 00 | |
| | $ 2 00 | |

## Recapitulation

| | Land & Land Damages | Impts and damages |
|---|---|---|
| Value Block L & M 10th & 11th | 10 450 00 | 6 225 00 |
| " " L & M 11th & 12th | 8 875 00 | 6 650 00 |
| " " M & N 10th & 11th | 10 150 00 | 10 925 00 |
| " " M & N 11th & 12th | 8 450 00 | 3 790 00 |
| " " Streets & alleys | 2 00 | 0 00 |
| Total | $37.927 " | $ 27.590 00 |

Grand Total 65.517.00

H Houghton
B B Redding } Commissioners

I concur in the above report and certificate and in all the foregoing findings and ascertainments except the claims presented by S W. Underwood and the Beulah Baptist Church in which cases I did not sit; And dissent to the findings for Improvements in the case of G. L. Simmons Also to the findings in the case of John McKee and Oliver Green for their interest in Lot No 1 in Square L and M 10th and 11th Streets. also to the findings in favor of A Koppikus for interest in Lot numbered 4 in Square between M and N and 10th and 11th Streets

Levi Hermance
Commissioner



Supplemental Report to Schedule of Awards

To
The Hon'ble J. H. McKune
District Judge of the Sixth Judicial District

Your Commissioners appointed to ascertain and certify the compensation proper to be made to the owner or owners or parties interested in the land described in an Act to provide for the construction of the State Capitol in the City of Sacramento approved March 29th 1860 filed in the District Court of said Sixth Judicial District on July 5th 1860 a Schedule of Awards to which all persons in said Lands interested are entitled to waive herewith submit the following Amendments to said Schedule

To Lots numbered 2 & 3 in Block L and M 10 and 11th Streets
" in Column of Owners and Claimants thereto read City and
" County of Sacramento.
To Value of Land and damages to Lot No 3 in Block
" L and M and 11th and 12th Streets owned and claimed
" by Mrs Torrey read $970. 64 instead of $945. 64.
To Lot No 7 in Square M and N Sts and 10th and 11th
" Streets owned and claimed by Rachel Hyman add
" "Also subject to Mortgage held by Christopher Hoeg.

Respectfully Submitted by
H Houghton
B. B. Redding } Commissioners

Sacramento July 9th 1860.

Signed
Jno H McKune
- Dist Judge -

Bill of Exceptions of
A Koppikus

In the District Court of the
Sixth Judicial District

A Koppikus
vs
State Capitol Commissioners

On the 26th day of July 1860 when the District Court denied the Application and Motion of A Koppikus for a retrial of this Matter. C. A. Johnson his Counsel was present in Court and excepted to the decision and ruling of the Court

1st On the ground that the said decision was & is against law

2nd Because the said decision was and is an abuse of Judicial discretion

(Signed)
Jno H Mc Kune
Dist Judge

(Endorsed)
Filed August 3rd 1860
Jerome Madden Clk
By D Coffee. D.C.

Undertaking on Appeal
of A. Koppikus

In the District Court of the
6th Judicial District

Adolphus Koppikus Plaintiff in error
vs
The State Capitol Commissioners Respondents

Whereas on the 26th day



of July 1860 in the District of the Sixth Judicial District an order was made and entered denying to Adolphus Koppikus a retrial of and in the above entitled proceeding. And whereas the said Koppikus feels aggrieved by said order and is about to remove the proceedings had in said proceeding by and before the Commissioners and by and before said District Court into the Supreme Court of California on Writ of Error for the purpose of review

Now therefore in consideration of the premises and of the said Writ of Error we W A Gett of the City of Sacramento and Harry Klays of the same place do hereby undertake and are jointly and severally bound unto the defendants in Error above named to the effect that the said Adolphus Koppikus the Plaintiff in error will pay all damages and costs which may be awarded against him in said proceedings on the said Writ of Error in the Supreme Court not exceeding the Sum of Three hundred dollars

H Klays
W A Gett

State of California
City County of Sacramento } ss

Harry Klays & W A Gett the Sureties who have signed the foregoing undertaking being first duly sworn each for himself deposes and says that he is worth the sum of Three hundred dollars (the amount therein specified) over and above all his just debts and legal liabilities exclusive of the property exempt from execution

Subscribed and Sworn to before
me this 3rd day of August 1860
Jerome Madden Clerk
By John S. Barrett D.C.

H. Klays
W. A. Gett.

(Endorsed) Filed August 3rd 1860
Jerome Madden Clerk
By John S. Barrett D.C.

Writ of Error from Supreme Court in Case of Adolphus Koppikus

The People of the State of California
To the Judge of the District Court of the Sixth Judicial District, Also to Jerome Madden Esq Clerk of said Court.
Greeting

Because in the record and proceedings and also in the order refusing a retrial in certain proceedings had in the District Court of the Sixth Judicial District of the State of California. Also before Houghton Redding and Hermance Commissioners Jc returned to and on file in said Court said to be pursuant to the provisions of the Act of the Legislature entitled An Act to provide for the construction of the State Capitol in the City of Sacramento Approved March 29. 1860: between Adolphus Koppikus petitioner and the State Capitol Commissioners for the Condemnation of Lot One in the Square bounded by M and N. Eleventh and Twelfth streets in the City of Sacramento for State Capitol purposes: Manifest Error hath intervened to the great damage of said Koppikus as by his petition we are informed We being willing that the error (if any there be) should in due manner be corrected and full and speedy justice be done to the parties apresaid in this behalf do Command you, and each of you that you send to the Justices of our Supreme Court of the State of California at the Supreme Court Room in the City of Sacramento on the 6th day of August A.D. 1860 at 11 o'clock A.M. distinctly and openly under the seal of your Court the record and proceedings in the matter or proceeding apresaid, and all things touching the same so far as they relate to said Koppikus' matter in question as the same now remain on file in your office and Court. And have you then there this Writ that the record and proceedings apresaid being inspected we may cause to be further done thereupon for correcting that error what of right and according to law of the



State of California ought to be done.

Witness my hand and the Seal of the Court this 3rd day of August A.D. 1860
Thos S Fairfax Clerk
By Dav T Bagley
D. Clerk.

(Endorsed) Filed August 3rd 1860
Jerome Madden
Clerk

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Copy of Decision of the Supreme in Court in re A Koppikus delivered August 13th 1860

Adolphus Koppikus
vs
The State Capitol Commissioners
} The Plaintiff in error

bases his objections to the action of the District Judge upon the alleged unconstitutionality of the Act of March 29 1860 providing for the construction of the State Capitol in the City of Sacramento and the alleged error of the Judge in his refusal to set aside the award of the Commissioners fixing the Compensation to be made to the plaintiff as owner of a parcel of the land intended for the site of the Capitol

1 The unconstitutionality of the Act is asserted on two grounds. 1st That it creates an indebtedness or liability on the part of the State exceeding the limit of Three hundred thousand dollars prescribed by the eighth Article of the Constitution: and 2nd. That it provides that the Compensation to the owners of the property taken shall be ascertained by three Commissioners and thus deprives the owners of the right to a trial by Jury.

The Act provides that the entire cost of the Capitol Shall not exceed five hundred thousand dollars and it is hence inferred that the Commissioners are authorized to contract for a building requiring an expenditure of that amount: but the inference is not warranted. The Legislature undoubtedly intended by the provision to indicate the amount within which the work is to be constructed and to furnish in some aspect a guide to the Commissioners in the adoption of a plan for the building: but the provision does not authorize any contract by which a debt or liability to that amount against the State can be created. - The Commissioners are only authorized to contract to the extent of One hundred thousand dollars though a plan be adopted by them which may require in its execution the half million designated. For the Liabilities which may be thus incurred under the contract with the Commissioners the Act makes provision: it appropriates for that purpose the requisite sum thus anticipating their existence and discharging them as they arise. (See State vs McCauley and Teris January Term 1864) Before any greater liabilities can be created by the Commissioners further legislation must be had

It will be thus seen that there is no analogy between this case and the case of Forgues vs Douglass et al (7 Cal 65) cited by the Plaintiff in error. The Act of 1856 considered in the latter case authorized a contract for the construction of a Capitol for a sum not exceeding three hundred thousand dollars and provided that the payments should be made in bonds of the State redeemable in thirty years, and at the time of its passage the State was indebted to the amount limited by the Constitution without a vote of the People

The objection to the constitutionality of the Act on the second ground - that it authorizes the Compensation to the owners for the land taken to be ascertained by the Commissioners and not by a jury - is untenable. The provision of the Constitution that "the right of trial by jury shall be secured to all and remain inviolate forever" applies only to Civil and Criminal cases in which an issue of fact is joined. The language was used with reference to the right as it exists at Common law. It is true that the Civil



law was in force in this State at the time of the adoption of the Constitution but its framers were with few exception from States where the Common Law prevails and where the language used has a well defined meaning. The people who by their votes adopted the Constitution, at least a vast majority of them were also from Countries where the common law is in force and they looked upon the right secured as the right then known and then held inviolate. It is in this common law sense that the language has always been regarded by the Courts of this State. It is a right "secured to all" and "inviolate forever" in cases in which it is exercised in the administration of justice according to the course of the common law as that law is understood in the several States of the Union. It is a right therefore which can only be claimed in actions at law or criminal actions where an issue of fact is made by the pleadings. It cannot be claimed in equity cases unless such issues be specially framed for a jury under the direction of the Court. It cannot be asserted upon an issue at law for that is a matter purely for the Court. The fact therefore that property and rights of property may be involved in the disposition of a particular case or proceeding does not determine the right to a trial by jury. There must be an action at law as contradistinguished from a suit in equity and from a special proceeding in a criminal action and an issue of fact joined therein upon the pleadings before a jury trial can be claimed as a constitutional right. The proceeding to ascertain the value of the plaintiffs property and the compensation to be made to him when taken is not an action at law. - It is an inquisition on the part of the State for the ascertainment of a particular fact as preliminary to future proceedings and it is only requisite that it be conducted in some equitable and fair mode to be provided by law either with or without the intervention of a jury opportunity being allowed to the owners or parties interested in the property to present evidence respecting its value and to be heard thereon. The Constitution of New York of 1821 provides that "the trial by jury in all cases in which it has been heretofore used shall remain inviolate forever"

and in Livingston vs the Mayor of New York (7 Wend 85) objection was taken to the mode adopted for ascertaining the compensation to be paid to the owners of land in the opening of streets in the City of New York. It was insisted as in the present case, that the estimate thereof should have been made by a jury and not by Commissioners appointed for that purpose but the Court said: the provision of the Constitution relative to the trial by jury relates to the trial of issues of fact in civil and criminal proceedings in Courts of justice and has no relation to cases of this kind. Although damages have frequently been ascertained by the oaths of twelve freeholders both before and since the adoption of the Constitution yet these were not jury trials within the spirit or meaning of that provision" (see also to the same effect Beekman vs the Saratoga and Schenectady Railroad Company 3 Paige 75: Railroad Company vs Davis 2 Dev and Bat 465: Wilyard vs Hamilton 7 Ham Ohio 453 et seq.

2 The application to the District Judge to set aside the award of the Commissioners and for a new trial was properly denied. The Act provides that, if the proceedings of the Commissioners are regular and "appear to have been done in good faith" the Judge "shall by order confirm their finding and conclusion: otherwise he shall make such order as may be just and proper in reference to a retrial of the same or any part of said proceedings" It is not pretended that the proceedings of the Commissioners were irregular but it is charged they were not "done in good faith" It appears from the affidavits that upon the application that there was conflicting testimony as to the value of the property claimed by the Plaintiff in error and that the estimate placed by the Commissioners exceeded that given by some of the witnesses. The imputation upon the integrity of the Commissioners appears to rest upon two grounds. 1st that they did not award as to the value of the premises what the plaintiff alleges was their cost: And 2nd That they did not give greater credence to the testimony produced on behalf of the plaintiff than to the testimony offered on the part of the State It requires no argument to answer positions of this character. They



fail with their Statement

The award of the Commissioners and the action of the District Judge thereon must be affirmed and it is so ordered

Field. C. J.

We concur Cope J.
Baldwin J.

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Order of State Capitol Comrs. to pay into Court $41.671.67/100; and for sale of improvements on the land condemned for State Capitol purposes.

It

It is hereby ordered, that out of the moneys collected and paid to the State Treasurer under and by virtue of an Act of the Legislature entitled "An Act to authorize the Board of Supervisors of the City and County of Sacramento to levy a Special Tax." the sum of $41.671 67/100 be paid into the District Court of the Sixth Judicial District for the benefit of the owner or owners or parties interested in the lots or parcels of land and improvements thereon mentioned and described in the Schedule hereto annexed and for that purpose the Secretary of this Board is directed to draw an order upon Thomas Findley State Treasurer in favor of Jerome Madden Clerk of said District Court for the said sum of $41.671 67/100. And it is further ordered that the said improvements be sold by C H Grimm and A. K. Grimm at Public Auction on Saturday the first day of September 1860 at 10 o'clock A. M. and that notice of said sale be published by the said Auctioneers in the Sacramento Daily "Union" and "Daily Bee" and the proceeds of said sale after paying the expenses thereof be paid to the State Treasurer

to be by him placed to the Credit of "The State Capitol Fund".

## Schedule Block L and M. 10th and 11th Streets Sacramento City

| Fraction | Lot | Owners and Claimants | Value of Land and damages | Value of Impts and damages |
|---|---|---|---|---|
| | 1 | Phile Wests interest therein | $ 1597 00 | $ 1.000 00 |
| | | John McKees " " | 1 00 | |
| | | Oliver Greens " " | 2 00 | |
| | 2 | M Kennedys Improvements | | 400 00 |
| A 1/2 S 1/2 | 4 | Mahoneys interest in improvements and leasehold therein | | 200 00 |
| S 1/4 | 4 | Joseph Keene (subject to Rd Breens Mortgage and to G Earls Mechanics Lien | 345 00 | 750 00 |
| | 5 | Bishop Alemanys interest | | |
| | 6 | " " " | | |
| | 7 | " " " | 3437 82 | 300 00 |
| | | H Gallaghers interest by Tax Title | 160 09 | |
| | | Sacramento City for delinquent Taxes 1858 | 102 09 | |
| | | | $ 5675 00 | $ 2650 00 |

## Schedule Block L and M and 11th and 12th Streets Sac City

| Fraction | Lot | Owners and Claimants | Value of Land and damages | Value of Impts and damages |
|---|---|---|---|---|
| W 1/2 | 1 | G. L. Simmons interest therein | $ 650 00 | $ 1200 00 |
| | | V E Howards " " | 20 00 | |
| A 1/2 | 2 | J W Underwoods " " (Subject to Mortgage held by A B Gabin | 561 34 | 2246 02 |
| | | Beulah Baptist Church interest | 1 00 | 1 00 |
| | | Sac City for delinquent Taxes | 17 66 | 52 98 |
| | | James S Grahams interest | 20 00 | |
| S 1/2 | 2 | W H H Lee's interest | 435 00 | 600 00 |
| | | Jas S. Grahams " | 15 00 | |
| | 4 | L Keller and wifes interest subject to mortgage held by Mrs Torrey and C H Dexter | 1150 00 | 1150 00 |
| | 5 | Frances Hanks interest | 1100 00 | 800 00 |
| | 8 | J McCullough's interest | 416 67 | 500 00 |
| | | | $ 4.416 67 | $ 6.550 00 |



## Schedule Block M and N and 10th and 11th Streets Sac City.

| Fraction | Lot | Owners and Claimants | Value of Land and Damages | Value of Impts and Damages |
|---|---|---|---|---|
| W 60 ft | 2 | Henry Klays interest (subject to mortgage to Mrs Buckhout | $ 1.050 00 | $ 2.800 00 |
| E 1/4 | 2 | A P Simmons interest | 350 00 | |
| W 13 1/3 ft | 3 | A P Simmons interest (subject to Mortgage to C Stremmmz | 213 40 | 1.900 00 |
| W 33 1/3 ft | 3 | A P Simmons interest (subject to Mortgage of Marcus Graf | 543 30 | 1500 00 |
| E 33 1/3 ft | 3 | David Strickland subject to Mortgage of J. P. Littlefield | 543 30 | 2125 00 |
| | 7 | Rachel Hymans interest Subject to Vendors Lien held by L. L. Lynk also subject to Mortgage held by Christopher Voreg | 940 00 | 600 00 |
| | | George W Case's interest | 60 00 | |
| S 100 ft | 8 | John Woods interest | 850 00 | 1200 00 |
| N 60 ft | 8 | G. W. Case (subject to Mortgage held by Mary L Irwin) | 433 32 | 433 32 |
| | 8 | Sac City for delinquent taxes | 16 68 | 16 68 |
| | | | $ 5.000 00 | $ 10.575 00 |

## Schedule Block M and N and 11th and 12th Streets Sac City

| Fraction | Lot | Owners and Claimants | Value of Land and damages | Value of Impts and damages |
|---|---|---|---|---|
| N 1/2 | 1 | A Koppikus' interest | $ 700 00 | |
| N 1/2 S 1/2 + S 1/8 | 1 | " " " (subject to mortgage to I Hatch Sr) | 400 00 | 900 00 |
| N 1/2 S 1/4 | 1 | James F Youngs interest | 150 00 | |
| | 2 | Jerome Maddens " | 1100 00 | |
| | 3 | " " " | 1050 00 | 190 00 |
| S 1/2 N 1/2 | 5 | J H McKees interest | 125 00 | |
| | | A R Jacksons " | 70 00 | 900 00 |
| S 1/2 E 1/2 | 5 | J. H. McKees " | 220 00 | |
| | | R Stribblings " | 100 00 | 900 00 |
| | | | $ 3.915 00 | $ 2.890 00 |

## Recapitulation

| | Land & damages | Impts & damages |
|---|---|---|
| L and M 10th and 11th Streets | $ 5675 00 | $ 2650 00 |
| " " " 11th and 12th " | 4416 67 | 6550 00 |
| M and N 10th and 11th " | 5000 00 | 10575 00 |
| " " 11th and 12th " | 3915 00 | 2890 00 |
| | $19006 67 | $22.665 00 |

Land $19.006 67
Impts 22.665.00
Total $41.671.67

Office Board State Capitol Commissioners
Sacramento August 24th 1860

I hereby certify the foregoing to be a Copy of an order passed by the Board this day

C. J. Forbes
Secretary

(Endorsed) Filed August 25th 1860
Jerome Madden
Clerk.

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Order of Court for disbursement of money by the Clerk

In the Matter of the Commissioners Created by an Act entitled An act to provide for the Construction of the State Capitol in the City of Sacramento for the condemnation of the land described in said Act and to vest the title thereof in the State of California

District Court
August Term
August 27th
A.D. 1860

On motion of A. C. Monson Esq who appears for the State Capitol Commissioners. It is ordered by the Court that the amount heretofore paid into Court to wit



the sum of $41.671.67/100 be disbursed by paying to the Owners and Claimants set forth in the Order of the State Capitol Commissioners filed August 25th 1860 the amounts of value of real estate and improvements & damages thereon set opposite their names. and It is further ordered that before the Clerk of this Court of this Court pay out the moneys aforesaid he require all owners and claimants to satisfy any mortgages liens or incumbrances that may be set forth against the property in the Schedule appended to and made part of the Order of the State Capitol Commissioners filed August 25th A.D. 1860

(Signed)
John H. McKune
Dist Judge

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Amendments to Awards of Appraising Commissioners

To
The Hon'ble J H McKune
District Judge of the 6th Judicial District

Your Commissioners appointed to ascertain and Certify the compensation proper to be made to the owner or owners or parties interested in the land described in an "act to provide for the Construction of the State Capitol in the City of Sacramento approved March 29th 1860 filed in the District Court of said 6th Judicial District on July 5th 1860 A Schedule of Awards to which all persons in said lands interested are entitled to receive beg leave to submit the following Amendments to said Schedule having just discovered some clerical errors therein

Block M and N 11th and 12th Streets

Second line on said Schedule describes property as the N½ S½ N½ & S⅛ of Lot 1 A Koppikus interest etc Amend to read N½ S½ & S⅛ of Lot 1 etc " " " "

Block M and N 10th and 11th Sts

Eighth line on said Schedule describes property as the
Middle 33⅓ feet of Lot 3 N. P. Simmons' interest etc mentioned
West 33⅓ feet of East 66⅔ feet of Lot 3 " " "

Respectfully submitted by

Commissioners { S. B. Redding
H. Houghton
Levi Hermance

Sacramento August 28th A.D. 1860.

(Endorsed) Filed August 28th 1860
Jerome Madden Clk
By. Thos. K. Monk Deputy Clk

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Order of Court granting leave to appraising Commissioners to file Amendments to Awards.

In the matter of the Com^rs appointed to ascertain the compensation proper to be made to the owners of land and the improvements thereon condemned for State Capitol purposes } District Court August Term August 28th 1860

Now comes A. C. Monson Esq^r of Counsel for the State Capitol Commissioners and C. A. Johnson Esq^r of Counsel for A. Koppikus and Cross and Marshall of Counsel for N. P. Simmons and each consenting in open Court It is ordered that the Commissioners appointed as aforesaid have leave to file amendments to their Schedule heretofore filed and of record in this matter.

(Signed)
Geo. H. McKune
- Dist Judge -

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Order of State Capitol Commissioners to pay into Court $16.368 33/100; and for Sale of improvements on the land condemned for State Capitol purposes.

It is hereby ordered that out of the moneys received by the State Treasurer for the purpose of paying for the land selected as a site for the State Capitol, together with the buildings and improvements thereon the sum of $16.368 33/100 be paid into the District Court of the Sixth Judicial District for the benefit of the owner or owners or parties interested in the lots or parcels of land and improvements thereon mentioned and described in the Schedule hereto annexed, and for that purpose the Secretary of the Board is directed to draw an Order upon Thomas Findley State Treasurer in favor of Jerome Madden clerk of said District Court for the said sum of $16.368 33/100 And it is further ordered that all the improvements remaining unsold on the said land selected as a site for the State Capitol be sold by C H Gumm and A. K. Grim at Public Auction on Saturday the 29th day of September 1860 at 10½ o'clock A. M. and that notice of said sale be published by the said Auctioneers in the Sacramento Daily Union, Daily Bee and Sacramento Daily Democrat and the proceeds of said sale after paying the expenses thereof be paid to the State Treasurer to be by him placed to the credit of the State Capitol Fund.

Schedule Block Land M 10th and 11th Sts Sacramento City

| Fraction | Lot | Owners and Claimants | Value of Land and damages | Value of Improvements and damages |
|---|---|---|---|---|
| N½ | 4 | M. G. Davenport | $ 650 00 | $ 75 00 |
| N½ S½ | 4 | Wm M Harron | 325 00 | |
| | 8 | Bishop Allemany in trust | 1141 79 | |
| | | Est of W D M Howard ⅛ interest | 169 70 | |
| | | Talbot H Green 1/16 interest | 84 86 | |
| | | H Gallagher int by tax title 1/64 | 64 91 | |
| | | Sac City for delinquent taxes 1858 | 38 74 | |
| | | | $ 2475 00 | $ 75 00 |

## Block L and M 11th and 12th Sts Sacramento City

| Fraction | Lot | Owners and Claimants | Value of Land and damages | | Value of Impts and damages | |
|---|---|---|---|---|---|---|
| E/2 | 1 | T. H. Jacksons | $ 260 | 00 | $ 50 | 00 |
| | | Isaac Pierce's | 130 | 00 | | |
| | | Maria L Backus | 190 | 00 | | |
| | | Volney E Howard | 20 | 00 | | |
| | 3 | Mrs Torrey | 970 | 64 | 50 | 00 |
| | | Sac City for delinquent taxes | 29 | 36 | | |
| | 6 | Frances Hanks | 1000 | 00 | | |
| | 7 | Est of Thos O Larkin interest | 612 | 50 | | |
| | | Est of W D M Howard | 87 | 50 | | |
| | | Sam Mc Cullough's interest | 350 | 00 | | |
| | 8 | Est of Thos. O. Larkin | 730 | 00 | | |
| | | Est of W D M Howard | 103 | 33 | | |
| | | | $ 4.483 | 33 | $ 100 | 00 |

## Schedule Block M and N 10th and 11th Sts Sacramento City

| Fraction | Lot | Owners and Claimants | Value of Land and Damages | | Value of Impts and damages | |
|---|---|---|---|---|---|---|
| | 1 | Jno L Manson's interest | $ 1599 | 00 | $ 200 | 00 |
| | | Amos Pratts " | 1 | 00 | | |
| | 4 | Jno L Mansons " | 1399 | 00 | 50 | 00 |
| | | A Koppikus " | 1 | 00 | | |
| | 5 | L. L. Lynchs " | 1150 | 00 | 50 | 00 |
| | 6 | L. L. Lynchs " | 1000 | 00 | 50 | 00 |
| | | | $ 5.150 | 00 | $ 350 | 00 |



## Block M and N 11th and 12th Streets Sacramento City

| Fraction | Lot | Owners and Claimants | Value of Land and damages | | Value of Impts and damages | |
|---|---|---|---|---|---|---|
| N/2 E/4 | 4 | J W Bells interest | $ 150 | 00 | | |
| | | Jerome Maddens interest | 60 | 00 | | |
| N/2 W/2 E/2 | 4 | James W Dexters " | 100 | 00 | | |
| | | Jerome Maddens " | 55 | 00 | | |
| N/2 W/2 | 4 | Byron Sillie " | 200 | 00 | | |
| | | Jerome Maddens " | 110 | 00 | | |
| N/4 S/2 | 4 | J H Glass & S B Leavitts interest | 80 | 00 | | |
| | | Jerome Maddens interest | 40 | 00 | | |
| S/2 N/2 S/2 | 4 | Simon Shindlers " | 80 | 00 | | |
| | | Jerome Maddens " | 40 | 00 | | |
| S/8 | 4 | Simon Shindlers " | 110 | 00 | | |
| | | Jerome Maddens " | 55 | 00 | | |
| N/2 S 1/4 | 4 | Lucy Backus (subject to judgment lien of Cawlein) | 80 | 00 | | |
| | | Jerome Maddens interest | 40 | 00 | | |
| N/4 | 5 | Geo H Foggs interest | 175 | 00 | | |
| | | A R Jacksons | 80 | 00 | | |
| S/2 W/2 | 5 | George Rowland & Chas D Woods | 145 | 00 | | |
| | | Richard Stillings interest | 85 | 00 | | |
| | 6 | J H Mc Kees interest | 600 | 00 | | |
| | | Jerome Maddens " | 200 | 00 | | |
| | | Richard Stillings " | 50 | 00 | | |
| | | A R Jacksons " | 50 | 00 | | |
| | 7 | N. D. Thayer " | 600 | 00 | | |
| | | Jerome Maddens " | 300 | 00 | | |
| | 8 | Imogene Thayer's " | 250 | 00 | | |
| | | | $ 3.735 | 00 | | |

| | |
|---|---|
| Total value of Land | $ 15.843.33 |
| Total value of Impts | 525 |
| Grand Total | $16.368.33 |

Office Board of State Capital Commissioners
Sacramento Sep 18. 1860

I hereby certify the above is a true copy of an order of the Board passed this day

J Forbes
Secretary.

Endorsed Filed September 19th 1860
Jerome Madden
Clerk

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Order of Judge for disbursement of money by Clerk

In the matter of the proceeding to Condemn certain Real Estate in the City of Sacramento for State Capitol purposes and to pay the owners there of the damages by them sustained } In Chambers

In the District Court and before the District Judge of the 6th Judicial District

It appearing to me that the money to satisfy and pay off the owners of said Real Estate according to the award of the Commissioners heretofore filed in this matter is now in the hands of the Clerk of said Court.

I do order that the said Clerk pay severally to each of the parties named in said award and report of said Commissioners not heretofore paid the amount of money each is entitled to and according to the true intent and meaning of said award and report.

September 25 1860 Jno H McKune
Dist Judge 6 Dist.

(Endorsed) Filed September 26th A.D. 1860
Jerom Madden Clk
By Thos K Trimble Deputy Clerk



Ordinance of Board of Supervisors of City & County of Sacramento relinquishing to State all title to the lands Condemned for State Capitol purposes

Board of Supervisors Sac City and County July 26th A.D. 1860
Supervisor Leavitt from Special Committee appointed to confer with the State Capitol Commissioners in reference to the ground owned by the City & County submitted the following resolution as the report of the Committee which was adopted

Whereas the Special tax levied by this Board to pay for the ground selected as a site for the State Capitol will fall short of the amount required And whereas it is greatly to the interests of the City and County of Sacramento that the erection of said Capitol should be proceeded with immediately. And whereas the City and County of Sacramento hold and own certain pieces or lots of land together with certain Buildings thereon within said site selected for the State Capitol. And whereas there has been awarded to the said City and County of Sacramento by the Commissioners appointed to ascertain the proper compensation to be made to owners or parties interested in said land. The sum of $1200 for Lot number Two (2) and the sum of $1100 for Lot number Three (3) in the Square between L and M and 10th and 11th streets in said City, And the sum of $3500 for the Buildings and improvements on said lots and damages. Now therefore in consideration of the premises and in further consideration of a promise and agreement on the part of the Board of Commissioners elected to Contract for and Superintend the erection of the State Capitol, that the City and County of Sacramento may use said lots and retain the Buildings and improvements now on the same until said Board of Commissioners shall require the use of said lots and the removal of said Buildings and improvements therefrom. It is hereby ordered and ordained that the City and County of Sacramento Waive and relinquish and she does hereby waive and relinquish the amount awarded by said Commissioners

first herein mentioned for said lots improvements and damages. the City and County of Sacramento however not parting with the ownership of said Buildings but agreeing to remove the same from said lots whenever required so to do by the said Board of Commissioners elected to contract for and superintend the erection of the State Capitol. And in consideration of the premises it is further ordered and ordained that all the estate right title and interest claim and demand whatsoever of the City and County of Sacramento in and to said lots Number Two (2) and Three (3) in the Square between L and M and 10th and 11th streets and to the streets and alleys running through the site selected for a State Capitol in the said City and County of Sacramento and described as follows to wit "Commencing at the North West corner of Lot number One (1) in the Block bounded by 10th and 11th L and M streets in said City of Sacramento thence east along the south line of L Street to the intersection of L and Twelfth, thence South along the West line of Twelfth street to the intersection of Twelfth and N streets Thence west along the North line of N street to the intersection of N and Tenth streets thence North along the east line of Tenth street to the place of beginning be conveyed to the State of California and the same are hereby granted sold and Conveyed to the said State. And the President of this Board is hereby authorized and directed to execute a deed of Conveyance of the said lots Streets and alleys to the State of California the said Deed to be duly and properly signed and acknowledged by the said President of this Board and the seal of this City and County of Sacramento and the signature of the Clerk of this Board shall be affixed thereto and the said Clerk is hereby required to affix the same.

And afterwards to wit on the 4th day of August A D 1860 the following Order was passed

Whereas the Special Tax levied by this Board to pay for the ground selected as a site for the State Capitol will fall short of the amount required. And whereas it is greatly to the interests of the City and County of Sacramento that the erection of said Capitol should be proceeded with immediately and



whereas the City and County of Sacramento hold and own a certain lot of land within the site selected for the Capitol which together with the Buildings and improvements thereon is known as School lot and House at 11th and N Streets and more officially known and described as Lot number eight (8) in the Block between M and N and 11th & 12th streets for which said lot and improvements the Board of Commissioners appointed to ascertain the proper compensation to be made to owners or parties interested in said land have awarded to Sacramento City in trust for the Common Schools the sum of $1.750

Now therefore in consideration of the premises and in further consideration of the promise and agreement on the part of the Board of Commissioners appointed to contract for and superintend the erection of the State Capitol that the City and County of Sacramento may use said lots and retain the Buildings and improvements thereon until said Board of Commissioners shall require the use of said Lot and the removal of said Buildings and improvements. It is hereby ordered and ordained that the City and County of Sacramento waive and relinquish and that it does hereby waive and relinquish the amount awarded by the said Board of Commissioners first herein mentioned for said lot improvements and damages the said City and County of Sacramento not however parting with or in anywise relinquishing its ownership of the Buildings and improvements on said Lot And the President and Clerk of this Board are hereby directed and required to make a Conveyance for the lot aforesaid and in the manner and form provided by an order of this Board made on the 26th day of July A D 1860 in the matter of other City property situated within the limits of said Capitol grounds.

I hereby Certify the above and foregoing to be a full true and correct Copy of the proceedings of the Board of Supervisors in the matter of the lands owned by the City and County of Sacramento which have been condemned for State Capitol purposes In witness whereof I have hereunto

Set my hand and affixed the seal of said Board this 27th day of December A D 1860

Thos Letson
Clerk of Board.

(Endorsed) Filed Dec 28th 1860
Jerome Madden
Clerk Ct 3rd Dist.

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State of California
City & County of Sacramento } ss.

I Jerome Madden County Clerk, for said City & County & Ex officio Clerk of the District Court of the 6th Judicial District do hereby certify the foregoing Eighty six (86) pages of Transcript to be a full true and correct copy of all the pleas and proceedings had in said Court under the provisions of an Act entitled "An Act to provide for the construction of the State Capitol in the City of Sacramento (approved March 29th 1860)" as the same remains of record and on file in my Office

In testimony whereof I have hereunto set my hand and affixed the seal of the District Court of the Sixth Judicial District at my Office in the City of Sacramento this twenty ninth day of January A. D. 1861 Eighteen hundred & Sixty one

Jerome Madden
Clerk.